

**HEARINGS RELATING TO MADISON GUARANTY
S&L AND THE WHITEWATER DEVELOPMENT
CORPORATION—WASHINGTON, DC PHASE**

HEARINGS
BEFORE THE
COMMITTEE ON
BANKING, HOUSING, AND URBAN AFFAIRS
UNITED STATES SENATE
ONE HUNDRED THIRD CONGRESS
SECOND SESSION
VOLUME I
ON
DEATH OF VINCENT W. FOSTER, JR.

JULY 29, 1994

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HEARINGS RELATING TO MADISON GUAR- ANTY S&L AND THE WHITEWATER DEVEL- OPMENT CORPORATION—WASHINGTON, DC PHASE

VOLUME I

FRIDAY, JULY 29, 1994

U.S. SENATE,
COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS,
Washington, DC.

The Committee met in room 106, of the Dirksen Senate Office Building at 10 a.m., Senator Donald W. Riegle, Jr. (Chairman of the Committee) presiding.

OPENING STATEMENT OF CHAIRMAN DONALD W. RIEGLE, JR.

The CHAIRMAN. The Committee will come to order. Let me invite all those that are standing to find seats so that we can begin.

Good morning to everyone and welcome to all those in attendance this morning. Today, the Senate Banking Committee begins the public hearing phase of our inquiry on the so-called Madison Guaranty/Whitewater matter. We do so under specific legislative instructions from the full Senate. Senate Resolution 229 mandated this inquiry and it instructed our Committee to begin these public hearings by today, July 29, 1994.

The scope of our present effort was carefully defined by the Senate Resolution 229 to pursue only three specific matters in order to not interfere or compromise in any way the full-scale inquiry being directed by Independent Counsel, Robert B. Fiske, Jr.

Now, Mr. Fiske's effort began on January 20, 1994, when Attorney General Janet Reno announced the appointment of this respected former prosecutor to serve as Independent Counsel to investigate allegations relating to Whitewater/Madison. He has full Federal authority to prosecute any violations of both civil and criminal laws.

On March 7, then, Mr. Fiske, aware that some in Congress were pressing for hearings on this subject, wrote to our Committee requesting that we not hold hearings that might compromise his investigation and jeopardize any later prosecutorial efforts he might undertake. The Senate itself recognized the importance and the primacy of Mr. Fiske's concerns on March 17 by a unanimous vote of 98 to zero.

The Senate passed a resolution authorizing hearings into all matters related to Whitewater but carefully provided that any Senate hearings should, and I quote:

Be structured in sequence in such a manner that in the judgment of the leaders, they would not interfere with the ongoing investigation of Special Counsel Robert B. Fiske, Jr.

The Senate was very explicit on that matter. So for this reason, Senator D'Amato and I have met periodically with Mr. Fiske. We have done so in order to carefully structure our investigative process in a way that preserves the integrity of Fiske's inquiry and protects any prosecutorial effort he may later undertake, while at the same time providing our Committee with access to the information that we need to meet our investigative mandate from the Senate.

Now, Senate Resolution 229 directed this Committee to conduct hearings on three specific matters in this phase. No. 1, and I'm quoting directly:

Communications between officials of the White House and the Department of the Treasury or the Resolution Trust Corporation relating to the Whitewater Development Corporation and the Madison Guaranty Savings & Loan Association.

No. 2, I quote again:

The Park Service Police investigation into the death of White House Deputy Counsel Vincent Foster.

And No. 3, and I quote:

The way in which White House officials handled documents in the Office of White House Deputy Counsel Vincent Foster at the time of his death.

Mr. Fiske later informed us on July 15—that's just 2 weeks ago—that contrary to his earlier expectation, he had not yet concluded his inquiry into the handling of Mr. Foster's documents. He, therefore, asked that we not address this issue at this time, and, in deference to his request, we have put it aside until he indicates his work in this area is completed.

In every step we have maintained direct working contact with Mr. Fiske to discuss and resolve any matters of potential conflict and in that regard, I will now make available for the record 12 different letters that illustrate this careful line-drawing process that we have followed.

So these current hearings will focus upon two specific areas, and our purpose will be to examine all the relevant facts in order to determine whether any "improper conduct" may have occurred.

Now, it's our duty as Members of this Committee to be faithful to the Committee's and the Senate's instruction to us. As Chairman, it is my responsibility, together with my Ranking Member, Senator D'Amato, to be certain that each of us adheres to the scope of the inquiry by Senate Resolution 229 so we don't jeopardize Mr. Fiske's investigation and I ask for the cooperation of every Member in that regard.

As Chairman of the Committee for the past 6 years, I have sought the greatest possible degree of bipartisan cooperation. During this current inquiry, Senator D'Amato and I have worked cooperatively in every step to resolve various differences as they have arisen. Should additional disputes arise, the Committee will act, of course, to resolve them.

I will protect the right of each Senator, just as I must, and will protect the integrity of our Committee's work effort. I ask that each Member understand my commitment to see that the time is accorded fairly to both sides and that the individual time allotments are respected and adhered to.

It will be my responsibility to see that all of our questions fit within our scope requirements and not move across into the restricted area of Mr. Fiske's ongoing investigation, and I ask each Member to exercise great care in this regard.

In my view, the primary function of these public hearings is to get the facts out to the American people so that they may evaluate this matter for themselves. That cannot be accomplished in one day or by an individual witness or by some seeming revelation. We need to weigh all the facts and hear the testimony from all the witnesses.

So I would encourage my colleagues and the public to withhold final judgment until all the information has been presented and the hearing record is complete. This will take several days, and will require sorting out and evaluating contradictory accounts by various witnesses.

After we have heard and evaluated the evidence, Senate Resolution 229 requires that we consider and determine whether there was improper conduct with respect to contacts between the White House and officials at Treasury and RTC.

Now, Mr. Fiske, for his part—and this is important—has concentrated on whether there was any criminal conduct. His investigation, and I quote from the statement Mr. Fiske made directly:

Focused on whether in the course of any of these contacts any individual obstructed justice, attempted to obstruct justice, or conspired with others to obstruct justice.

Quoting further from Mr. Fiske's report, and this is his conclusion:

After review of all the evidence, we have concluded that the evidence is insufficient to establish that anyone within the White House or the Department of Treasury acted with the intent to corruptly influence an RTC investigation. Therefore—

This is all his quotation and his summary:

Therefore the evidence of the events surrounding the contacts between the White House and the Treasury Department does not justify the prosecution of anyone for a violation of 1505, which is the criminal law obstruction of justice provision. We have also concluded that the evidence does not justify a criminal prosecution or violation of any other Federal statute.

One more quotation from his summary. Mr. Fiske said:

In reaching this conclusion, this office is not determining anything other than that the evidence does not justify a criminal prosecution. We express no opinion on the propriety of these meetings or whether anything that occurred at these meetings constitutes a breach of ethical rules or standards.

As Mr. Fiske then restricted his review to only possible violations of criminal law statutes, this Committee has been instructed by the Senate to apply a different standard and to determine whether there was "improper conduct" with respect to any of these contacts which could include such things as the inappropriate sharing of confidential information, preferential treatment, and the appearance of impropriety.

In this regard current White House Counsel, Lloyd Cutler, who has reviewed this matter for the President, has just testified before the House, and I quote:

It would have been better if some of the issues that arose had been handled differently, and that the White House—

Again quoting Mr. Cutler:

Did not meet my performance standard as they should have.

Finally, and very importantly, the Committee must also review prior testimony presented to this Committee with respect to contacts between the White House and the Treasury or the RTC on this matter.

On February 24, 1994, Mr. Roger Altman, Deputy Secretary of the Treasury, testified before this Committee and was asked directly about these contacts. Jean Hanson of that Department, and other knowledgeable witnesses who we'll hear from next week, were also present in that room that day.

As Chairman of this Committee, it is a matter of special importance to me that all the testimony before this Committee be accurate, complete, and fully responsive to the questions posed by Senators. We will review the February 24th testimony against that standard. Let me now briefly indicate the scale of effort we've applied in order to meet the requirements of the institution of Senate Resolution 229.

That resolution instructed our Committee to conduct this investigation in just 5 weeks. To meet this very demanding timetable, we quickly assembled a seasoned legislative team that has worked every day since the beginning and we established the various methods and procedures that we would apply.

We have since received and evaluated Independent Counsel Fiske's public report and much of the background material that he has assembled. We've analyzed relevant documents amounting now to more than 10,000 pages from at least five agencies and a number of individuals. We have also deposed under oath 37 persons relevant to this inquiry, many of whom will be testifying today and in the days just ahead.

In conclusion, it is now our task to lay out, in a balanced and orderly fashion, the flow of events as they actually took place and let the facts speak for themselves. When all the testimony has been presented and fully evaluated, these matters can be judged in their entirety and the conduct of individuals weighed accordingly.

Based upon our findings, we will also consider the degree to which additional safeguards or changes in administrative practices and procedures may be needed and will report all our findings and recommendations to the full Senate. Let me now yield to Senator D'Amato for his opening statement.

OPENING STATEMENT OF SENATOR ALFONSE M. D'AMATO

Senator D'AMATO. Thank you very much, Mr. Chairman.

Mr. Chairman, 2 years ago, the American people first heard of an Arkansas company called Whitewater; of an Arkansas savings and loan called Madison; and of the mysterious web of relationships surrounding Arkansas Governor Bill Clinton. When Mr. Clinton came to the White House, the Whitewater cloud trailed behind him.

Now, regrettably the White House has sacrificed the proper administration of justice on the altar of Whitewater. This Committee has learned, and the American people will see, that the White House has concealed, disguised, and distorted the truth, all in the service of politics and the President's self-preservation.

To these ends, this Presidency has taken advantage of confidential agency information.

To these ends, this Presidency has fought to keep control of an investigation affecting the President personally.

To these ends, high officials of this Presidency have deceived this very Committee, or have countenanced that deception.

As The New York Times observed earlier this week, the central question for these hearings is a question posed by the Senate 20 years ago: "Whether people in positions of public trust manipulated the machinery of Government to deflect the truth."

Mr. Chairman, I'm sorry to say that even now the Committee has not been given the necessary authority and latitude to examine the facts of Whitewater and Madison Savings & Loan—the facts that some have worked so desperately to hide. But we have learned some important things. We know that the RTC was examining Madison Savings & Loan in 1992, and made a criminal referral to the Department of Justice in the fall of that year. We know that in the fall of 1993, the RTC sent nine more Madison criminal referrals to the Department of Justice. And we know that the RTC was investigating whether to bring a civil case involving Madison, Whitewater, and the Clintons.

Most important, in mid-February of this year, we knew that the statute of limitations on the civil case against Madison was scheduled to run out on February 28, 1994. Had the limitations period expired as scheduled, the Clintons and their partners in Madison would have been home free—beyond the reach of the civil law.

Mr. Chairman, I first requested Committee hearings into the RTC's investigation of Madison last December.

Each day closer to February 28 was a day the Clintons were closer to escaping an RTC case against Madison. Then at the last minute, to the complete surprise of the White House, Congress voted overwhelmingly to extend the statute of limitations. The White House strategy was thwarted.

What will these hearings show? As early as the spring of 1993, Roger Altman, Deputy Secretary of the Treasury and acting head of the RTC, was keenly focused on the issue of Madison and Whitewater. As soon as Mr. Altman was informed in September that the RTC criminal referrals might be forwarded to the Justice Department, he directed his subordinate, Treasury General Counsel Jean Hanson, to disclose that fact to the White House Counsel Bernie Nussbaum. White House Counsel Nussbaum and Treasury Counsel Hanson agreed to create a channel through which multiple further communications on Whitewater would flow.

The information Altman and Hanson revealed to Nussbaum, and through him to the rest of the White House in September 1993, was highly confidential and involved criminal referrals that had not yet even reached the Department of Justice. This was sensitive information which may not be revealed under the RTC's own rules, because of the danger that such a disclosure may alert possible subjects or witnesses and frustrate a criminal case.

What's the justification offered for this gross breach of trust? Time and time again, the American people will hear witnesses try to excuse this behavior by claiming that they thought press leaks might occur in the future. Nonsense. Mr. Chairman, there's no "spin control" exception to the RTC rules of secrecy.

Mr. Cutler told the House Banking Committee earlier this week that there was no ethical breach in the disclosure of the confidential criminal referrals to the White House, because as far as he could determine, no White House official took improper action based on this nonpublic information. It is absurd to say that we must rely on White House assurances that this confidential information was not misused by the White House itself.

In January 1994, the Clinton Administration was dragged kicking and screaming into agreeing to having Attorney General Reno appoint a Special Prosecutor. Now we know, through Roger Altman's diary, the Administration was frustrated because they couldn't arm-twist the Attorney General to limit the scope of that prosecutor's investigation. In the words of Mrs. Clinton's own Chief of Staff, the First Lady "doesn't want the Counsel poking into 20 years of public life in Arkansas." Why were they so afraid? What did they want to hide?

The evidence will show that at the beginning of this year, the White House was "paralyzed" by Whitewater. "Paralyzed" is not my word. It's the word of Mrs. Clinton's Chief of Staff, as she warned Roger Altman around the New Year that Whitewater threatened to bring Administration initiatives to a halt. It's a message which rang in Roger Altman's ears in January as he confronted yet another investigation into Madison and Whitewater—the RTC's investigation centering on a possible civil case.

Mr. Chairman, in January, the RTC was faced with three choices on Madison and the Clintons: The RTC could file a case by February 28; it could seek a so-called tolling agreement from the private parties, including the Clintons, that would extend the limitations deadline into the future; or it could let the limitations period expire without any case being filed.

On January 11 and January 25, several colleagues and I wrote to Mr. Altman urging him to take appropriate steps to preserve the taxpayers' rights by seeking voluntary tolling agreements from all private parties. We insisted that a decision be made before the statute of limitations expired.

But the problem was the final decisionmaker, Roger Altman.

Altman should have recused himself—removed himself entirely from the Madison case—because of his personal and political relationships with the Clintons. Many Members of Congress thought so. The General Counsel of the RTC thought so. Members of Altman's own staff thought so. Jean Hanson, the General Counsel of Treasury, actually told him so. And the Treasury Secretary himself, Lloyd Bentsen, agreed.

But, Mr. Chairman, there was a more compelling reason. Roger Altman knew that his impartiality was fatally compromised when Mrs. Clinton's Chief of Staff unmistakably informed him that the First Lady urgently wanted the Whitewater problem to be "solved."

The picture is this: As he approaches the deadline for decision in the highly publicized Whitewater investigation affecting his friends and patrons, the President and the First Lady, Roger Altman, the decisionmaker, is told that the First Lady desperately wants the paralysis of Whitewater to end. Is there any doubt that Mr. Altman labored under an intense and clear and actual conflict of interest?

The evidence will show that Mr. Altman understood this actual conflict of interest. He and his Treasury colleagues discussed the fact that filing suit against the Clintons would be awkward. Mr. Altman's inclination going into the February 2 meeting at the White House was to, in fact, remove himself entirely from the case.

Why did he change his mind? As Mr. Cutler himself has admitted, strong comments by White House personnel in this meeting "may have influenced Mr. Altman's decision on February 3 to defer recusal." That's an understatement. As Altman's former aide and Treasury Chief of Staff, Josh Steiner, put it in his diary—a diary written not to prepare for public testimony but at the time of events, when there's no motive to lie—Altman was under "intense pressure" from the White House.

Sworn testimony from several witnesses establishes beyond a doubt that the reason the White House urged Altman to stay on the case was the fear that the RTC General Counsel who would take over the decision would be too "tough" on the Clintons.

Mr. Altman told those assembled at the White House on February 2 that he would sleep on the recusal decision. He must have had a restless night because even now the full picture of the pressure placed on Altman has not emerged. But we do know from sworn testimony that Altman reversed himself to keep the White House—to use his word—"happy."

What are we to make of this? Mr. Cutler concedes—as he must—that the White House should not have influenced the recusal decision. But he argues "no harm, no foul," because in the end Altman was never faced with the need to participate in a decision about whether or not to bring an RTC case against Madison.

Mr. Chairman, Mr. Cutler well knows that the only reason that the White House plan to have Mr. Altman control the decision did not succeed was congressional action unforeseen by the White House on February 2. Because it wasn't until February 11 that Congress gave the RTC Madison investigation a new lease on life when we extended the statute of limitations until the end of 1995. I have no doubt that if the unexpected congressional extension had not occurred, the White House effort would have triumphed.

But there's an even more important fact—a crucial fact—about the February 2 White House meeting that has not been disclosed until now. This fact demolishes the Cutler conclusion that these White House meetings are forgivable.

It is not true, as Mr. Cutler said, that Altman merely imparted public information to the White House.

Sworn testimony by Deputy White House Chief of Staff, Harold Ickes, establishes that at the February 2 meeting Altman revealed more than legal procedure: Ickes testifies that he asked Altman about "the progress of the inquiry being conducted by the RTC." Ickes further testifies that Altman answered by telling the White House: "That it was his view, based on information from his sources—and I assumed one of them was the General Counsel of the RTC—that the investigation was going to take a longer period of time to conclude."

According to Ickes, Altman said that it was: "Unlikely that the investigation could be completed and a recommendation made by

the General Counsel prior to the expiration of the statute of limitations."

This was not merely discussing legal procedure, as Mr. Cutler would have you believe. Make no mistake about it: It was revealing the bottom line on the investigation. As Mr. Ickes testified, Altman's assessment of the RTC case was not public information. It was not given to Congress. Roger Altman told the White House the single most important fact about the investigation. He told Ickes and others that the investigation probably would not be concluded "until after the statute of limitations had expired." By then, the opportunity to file suit against the Clintons would be lost.

This was the equivalent of giving an opponent a peek at your hole card. Before February 2, as Altman and the White House knew, the Clintons faced the likelihood of being asked to sign an agreement tolling the statute of limitations. But then on February 2, the White House was given Altman's inside information. Armed with that inside information the Clintons could safely reject any RTC request for a tolling agreement.

Mr. Chairman, to underscore that point, when Altman later asked the RTC to brief Mr. Kendall, the Clintons' private lawyer, the RTC General Counsel refused. But the Clintons no longer needed a briefing for their lawyer because the White House already had the vital inside information.

So the classic question emerges: What did the President know and when did he know it? Mr. Ickes again supplies the answer. He testifies that he informed both the President and the First Lady of the "gist" of the February 2 meeting, the meeting at which Mr. Altman tipped the RTC's hands and then bowed to White House pressure to stay on the Whitewater case.

Mr. Chairman, this evidence makes it clear why on February 24 Roger Altman deliberately failed to tell this Committee the full details of his February 2 White House meeting. Altman did not dare to open this Pandora's box. He persisted in concealing these facts in each of the four letters he wrote this Committee in a vain effort to supplement the record. And this deception was tolerated by others in the Treasury and in the White House.

The White House was shocked by Congress's last minute extension of the statute of limitations. The White House realized that they had lost the chance to strangle the case before February 28. Now, it became critical for the White House to control who would actually handle the case against Madison. And that explains why in the words of Chief of Staff Josh Steiner, George Stephanopoulos "suggested to me we needed to find a way to get rid of Jay Stephens."

The American people are entitled to the truth about the actions and intentions of the President, Mrs. Clinton, and other Government officials. The Senate has charged this Committee with conducting a fair and thorough investigation.

Mr. Chairman, the American people are about to witness a story that has become too familiar. It will be told in the words of the witnesses under oath. Even more important, we will have the uncensored, candid admissions of the diaries and documents written at a time, when there was no reason to lie. We will see if witnesses,

under public scrutiny, seek to distance themselves from the words they wrote while their deeds were still undetected.

This is a story of Government officials holding positions of enormous power and solemn public trust, falling short of minimum standards of ethical behavior and avoiding public accountability. It's about a ring of close and overzealous political associates of President Clinton ignoring lessons of history—recent history—by attempting to control and influence the actions of agencies intended by Congress to be beyond White House control and influence. It's about officials who place the personal interest of the President above the people's interest, and about lying to Congress and to the American people in order to conceal this misconduct.

The CHAIRMAN. Essentially, all Members were here as we gavailed the hearing to order this morning, so I'm going to go in order of seniority down both sides in alternating fashion. Senator Sarbanes, let me recognize you at this point.

OPENING STATEMENT OF SENATOR PAUL S. SARBANES

Senator SARBANES. Thank you very much, Mr. Chairman.

Mr. Chairman, I want to commend you for the care, thoroughness, and fairness with which you have prepared the Committee for these hearings.

The Senate first provided for the holding of these hearings, such as the one now taking place, in the sense of a Senate resolution approved last March. In that resolution, it was directed that any such hearings, and I quote:

Should be structured and sequenced in such a manner that they would not interfere with the ongoing investigation of Special Counsel Robert B. Fiske, Jr.

In late May, the Independent Counsel, Mr. Fiske, informed Congress that he would soon conclude one portion of his investigation and that a congressional inquiry of matters included in that portion would not interfere with his efforts.

Accordingly, on June 9, the Majority Leader, Senator Mitchell, proposed initial hearings that would avoid interference with Mr. Fiske's investigation. Under Senator Mitchell's proposal, the Senate would conduct hearings on three subjects that were part of the first phase of Mr. Fiske's investigation and which the Independent Counsel indicated he was likely to finish by early summer.

On June 21, the Senate passed Senate Resolution 229, which directed this Committee, the Committee on Banking, Housing, and Urban Affairs, and I quote, to:

Conduct hearings into whether improper conduct occurred regarding one, communications between officials of the White House and the Department of the Treasury or the Resolution Trust Corporation relating to the Whitewater Development Corporation and the Madison Guaranty Savings & Loan Association. Two, the Park Service Police investigation into the death of White House Deputy Counsel, Vincent Foster. And three, the way in which White House officials handled documents in the Office of White House Deputy Counsel, Vincent Foster, at the time of his death.

From the Senate resolution.

Now, the Senate Banking Committee meets today to carry out the directives contained in that resolution. Since the enactment of the resolution, Independent Counsel Fiske has announced that, contrary to his earlier expectations, he has not concluded his inquiry into the handling of documents in the Office of the White House Deputy Counsel, Vincent Foster.

Therefore, consistent with the March 17 Senate resolution that hearings should be structured and sequenced in such a manner that they would not interfere with the ongoing investigation of the Special Counsel, the Committee will not address that issue in these hearings.

Next week, the Committee will hold an extensive set of hearings to review the communications that took place between officials of the White House and the Department of the Treasury or the Resolution Trust Corporation and the Madison Guaranty Savings & Loan Association.

The Committee will have the opportunity, then, to hear from and to question a number of officials as to the propriety of their conduct.

In that regard, it is important to note that on June 30, the Independent Counsel, Mr. Fiske, issued a statement that he had completed his investigation of contacts between White House and Treasury Department officials and reached the conclusion that the evidence does not justify a criminal prosecution.

Now, of course, I'm mindful that conduct can be improper without being criminal, but it is essential to be clear, I believe, about any question of criminality in these matters.

In his statement, Mr. Fiske concluded, and I quote him:

After a review of all the evidence, we have concluded that the evidence is insufficient to establish that anyone within the White House or the Department of the Treasury acted with the intent to corruptly influence an RTC investigation. Therefore, the evidence of the events surrounding the contacts between the White House and the Treasury Department does not justify the prosecution of anyone for a violation of section 1505. We have also concluded that the evidence does not justify a criminal prosecution for violation of any other Federal statute.

Today's hearing will carry out the provision of the Senate resolution that the Committee conduct hearings into whether improper conduct occurred regarding the Park Service Police investigation into the death of White House Deputy Counsel, Vincent Foster.

In addressing this matter, it is important to note that the Independent Counsel on June 30 released a complete report on the death of Vincent Foster. And in his statement accompanying that report, Mr. Fiske stated, and I quote:

This report concludes that on July 20, 1993, Mr. Foster committed suicide in Fort Marcy Park, Fairfax County, Virginia. The report lists a number of factors which may have contributed to his suicide and finds no evidence that matters relating to Whitewater, Madison Guaranty, or CMS played any role in his death.

I know the Committee is aware of the concerns expressed by the Foster family about the stress upon them from continuing inquiries into his death, and I am hopeful that the Committee, in carrying out the responsibility placed upon it by the Senate, will be sensitive to those concerns.

Finally, Mr. Chairman, let me simply note that the Committee has been charged by the Senate with the important responsibility to make such findings of fact as are warranted and appropriate, to make such recommendations for legislative and administrative action, as the Committee may determine to be necessary or desirable; and to fulfill the constitutional oversight and informing function of the Congress.

Mr. Chairman and colleagues, I look forward to the Committee's successfully carrying out that responsibility.

The CHAIRMAN. Senator D'Amato.

Senator D'AMATO. I'll take just a moment. I'd like to make an observation, that should have been made earlier. You touched on it, Mr. Chairman, but I want to say that we have had the benefit of having a terrific staff that has worked in a very bipartisan manner. Mr. Codinha and Mr. Chertoff have exemplified the highest standards as they have undertaken their tasks examining witnesses together, and working in a cooperative effort to gather facts and information so that we may be in a position to ask proper questions and deduce the facts. I think that's very, very important.

I might make one other observation and then leave it to the Chair and others to think about, but we have an MIA today—

The CHAIRMAN. I'm going to introduce him in just a moment.

Senator D'AMATO. Is he here? I'm talking about another MIA, Captain Charles Hume of the Park Police who has decided not to show up after he has given us assurances he could be contacted. And I'm suggesting that staff find a way to either get him in, because he told us he could be reached all the time, or to get his chief to come in to explain how it is that he's not here and to let him know if he ducks today we're going to bring him in in the future.

I think that's important and I want to share it with you. I want to thank the staff for an outstanding job and for the professional way in which they have helped to undertake it.

The CHAIRMAN. I want to go down through the opening statements so that every Senator has a chance to make their comments in order. I do, however, want to take a moment to welcome Senator Hatch to our Committee.

Senator Hatch is not normally a Member of the Senate Banking, Housing, and Urban Affairs Committee but has been assigned to this Committee to represent some of the jurisdictional concerns and interests of the Senate Judiciary Committee where he serves as the Ranking Member.

So we welcome you.

I should also say at this point that other Committees with jurisdictional interest in these matters are otherwise represented by the present membership of the Senate Banking Committee. So we welcome Senator Hatch.

Let me now, in order, go to Senator Gramm of Texas.

OPENING STATEMENT OF SENATOR PHIL GRAMM

Senator GRAMM. Mr. Chairman, thank you very much.

On February 24, Roger Altman, in his capacity as the acting head of the RTC, appeared before this Committee. I asked him about contacts between him or his staff and the White House with regard to Whitewater and Madison. I asked him about the nature of those contacts, the number of contacts, and I asked him about what he or they were asked to do by the White House.

Mr. Altman responded that there had been one substantive contact, it had occurred on February 2, and that the sole subject matter of that contact was procedural concerning the statute of limitations.

He repeated that statement not once, but three times. When he continued to use this evasive term "substantive" he was asked point-blank the following question: "You are not suggesting you

had more than one?" To which he responded: "No, I'm just saying that if you run into someone in the hall, if you see that thing in the paper this morning, I'm not including that."

We now know that when Roger Altman testified before this Committee, he did not tell us the truth concerning the number of contacts between him and his staff and the White House. We now know that Roger Altman did not tell us the truth concerning the nature of those contacts. We now know that there were somewhere between 20 and 40 contacts.

We now know that in the meeting to which he referred before the Committee on February 24, the February 2 meeting at the White House, that the subject matter of that meeting, at least in part, was about Roger Altman and whether he should recuse himself.

We now know that the day before that February 24 hearing, Roger Altman and many members of his staff spent, for all practical purposes, the entire day communicating back and forth with the White House on this whole issue of whether Roger Altman should take himself out of dealing with the Whitewater affair.

And yet, one day later, he did not see that day of activity as substantive, nor did he tell us anything about the subject matter that it contained.

In fact, I think it's very interesting, Mr. Chairman, when you look at this diary of Josh Steiner. He writes about our hearing on the 24th, and here's what he said:

At the hearing, the recusal amazingly did not come up. The GOP did hammer away at whether Roger Altman had had any meetings with the White House. He admitted to having had one to brief them on the statute deadline. They also asked if staff had met but Roger Altman gracefully ducked the question and did not refer to phone calls he had had.

We now know, Mr. Chairman, that the White House staff contacted Roger Altman about omission of the fall meeting from his testimony.

We now know that Mr. Altman was contacted by the White House on March 1, and that on March 1, they told him they were concerned about omissions in his testimony concerning the subject matter of February 2 and also concerning two meetings in the fall which they clearly thought he knew about.

We now have sworn statements that he did know about at least one of the meetings in the fall. We now have a memo, given to him by one of his staff members, about those meetings.

Now, Mr. Chairman, you have said that you set standards of testimony before this Committee. Those standards, you say, are that testimony should be accurate, complete, and fully responsive. I would submit that based on what we know, the testimony of Roger Altman was neither accurate, nor complete, nor fully responsive.

But there is another standard that I think we must keep in mind during this hearing. That is the standard for Robert C. McFarland when he pled guilty to lying to Congress, in that he "willfully and knowingly did make default."

By refusing and failing to answer fully and completely despite four efforts to clarify his testimony, Roger Altman has yet to provide any degree of explanation as to why there are so many inconsistencies between what he said in his testimony on February 24 and what we now know, beyond a shadow of a doubt, occurred,

based on the testimony of others, based on the sworn statements of others, based on diary entries by Mr. Altman himself and others.

It seems to me, Mr. Chairman, if we do nothing else in this hearing, that it is vitally important that we are absolutely certain that when people testify before our Committee, they tell us the truth, the whole truth, and nothing but the truth. And I think Roger Altman bears a heavy burden of trying to explain to us all these inconsistencies between what he said on February 24, and what he has done and said, and what others have done and said.

I thank you, Mr. Chairman.

The CHAIRMAN. Senator Dodd.

OPENING STATEMENT OF SENATOR CHRISTOPHER J. DODD

Senator DODD. Thank you very much, Mr. Chairman.

Let me join Senator Sarbanes and Senator D'Amato in commending you in the manner in which you prepared this Committee for these hearings. It's not an easy task and I think you've done a very, very fine job.

I'm struck at the outset, Mr. Chairman, having listened to two of our colleagues and friends on the other side and getting ready for these hearings, that they seem to be following the advice of Judge Roy Bean, the famous old hanging judge, who once said that we'd have a fair trial for the defendant and then we'd hang him.

In listening to opening statements, that seems to be the case here. Mr. Chairman, I want to make it very clear why we're here today and I want to lay out what I see as our role.

The scope of these hearings, as you pointed out and Senator Sarbanes has stated, is rather narrow, pursuant to a Senate resolution adopted by the U.S. Senate. The question before this panel is not whether the laws have been broken. The Independent Counsel, Robert Fiske, and the courts would be the proper people to answer those questions. I believe Mr. Fiske has a staff of 10 attorneys, some 25 FBI agents, and countless others, and hundreds of hours. He has done his job to look into and identify if there are any illegal activities and then to seek punishment for the perpetrators.

I believe he has done that job for the issues that we will review in this phase of our hearings: The investigation of Vincent Foster's suicide and the contacts between the White House and the Treasury Department. The answer as to whether or not there have been any illegal activities, I think, has been answered resoundingly and that is no.

As Senator Sarbanes has pointed out, the report from Mr. Fiske concluded that no one within the White House or the Department of the Treasury acted with the intent to corruptly influence an RTC investigation.

They also concluded that the evidence does not justify a criminal prosecution for any other Federal statute. I think that deserves being repeated and being repeated firmly.

I'd also like to point out at this particular juncture, if I could, Mr. Chairman, I understand we're under a resolution from the Senate to look into the suicide of Vincent Foster. I regret that.

We watched—a Committee report, some 170 pages here—while some 125 people were interviewed. Countless others were examined

and the conclusion was, tragically, this was a suicide, and that the suicide had nothing to do with Whitewater.

This panel is a Banking Committee, not a medical board of inquiry. We're Senators, not coroners. There are legitimate questions that ought to be examined but probing in a macabre way into a family tragedy will conclude that it was tragically a suicide and nothing more. I hope we can move very quickly and get to the issues that are more serious in my view.

At any rate, Mr. Chairman, there's been a definitive statement as to the legality of questions. The only outstanding question, it would seem, is whether or not there was any improper conduct, and I'm not going to prejudge that question.

We are neither defense attorneys nor prosecutors on this panel. Our role as Members of the U.S. Senate, our coequal but separate branch of Government, is to find out what happened and if what happened was improper. That's our responsibility. We don't want to minimize what is at stake here. But we also don't want to exaggerate beyond all proportion what has happened here.

To compare Whitewater with Watergate and Iran-Contra, as some have done, borders on the ridiculous. Watergate led to more than 30 criminal convictions and the resignation of an American President. Iran-Contra yielded 11 criminal convictions. Both scandals arose from direct and conscious attempts by high Government officials to subvert democratic Government in this Nation. That's clearly what is not at issue here.

As I said previously, at least on the matters before us in this hearing, there is no evidence of illegality. There is no evidence of obstruction of justice. There were contacts between Administration officials and the regulators over investigations that concern the President.

It has been alleged that those contacts were improper. That's a proper question, and we ought to examine that and we will. But as we examine that question, we must remember that nothing actually came of those contacts. Government officials may have discussed the status of an investigation. That may have been improper, and we should examine that, but did they do anything to actually change that status? There is no evidence, none whatsoever, that that was the case. Several of those contacts may have occurred as a result of press inquiries.

This is a sign of how heightened our expectations of ethical Government have become. We're not examining whether Executive Branch officials altered the course of an investigation or even whether they tried to alter the course of an investigation.

With the demand for these hearings, Mr. Chairman, we have raised the ethical bar considerably and all ought to be aware of that. We have every right to expect nothing but the highest standards of ethical behavior in our elected and appointed officials.

I'm not suggesting in any way whatsoever that these are not important issues. However, I sincerely hope that we will do our best to keep our focus in perspective as we conduct these hearings, Mr. Chairman. We should be aware that the Independent Counsel's investigation continues and I don't think that we ought to do anything to short-circuit his efforts.

You should also be aware that these hearings are costing the American people \$400,000, and they expect us to conclude their business thoroughly and promptly. I know my constituents want us to determine whether there was any wrongdoing here and they don't want us to go on and on and on ad nauseam.

There are many other concerns that worry our constituents, Health Care and Crime being two that come to mind immediately. Let us do this job, Mr. Chairman, do it right, and then move on and address the real and serious problems that our citizens and constituents have faced.

The CHAIRMAN. Senator Bond.

OPENING STATEMENT OF SENATOR CHRISTOPHER S. BOND

Senator BOND. Thank you, Mr. Chairman.

As most of the Nation knows, Madison Guaranty was a Little Rock savings and loan which went belly up, at a cost of nearly \$50 million to the U.S. taxpayers.

It was owned by James McDougal, the business partner of the Clintons in the Whitewater real estate deal. Madison Guaranty was the classic S&L story of insider dealing, reckless loan policies, and ultimate failure, with the U.S. taxpayers picking up the tab.

This Committee has followed closely the \$105 billion cost of the S&L debacle and in that way this is a story repeated in many communities around the country.

But one part of this case has made it famous. Many of its borrowers, directors, and Counsel were prominent figures in Arkansas politics and government. The tangled web of Madison, Jim McDougal, and the Clintons has led to two sets of criminal referrals, an ongoing civil liability investigation by the RTC, a potential conflict of interest for the First Lady's former law firm, a conviction of a Little Rock judge who improperly loaned Small Business Administration money to the McDougals and to Whitewater, and a range of subpoenas of top level White House and Treasury officials.

I have said over and over that the American people have a right to know what happened to the millions of dollars we lost. We in Congress must fulfill our obligations to get the facts out in the open.

To carry out this duty, on February 24, I asked Clinton Administration officials during the RTC oversight board hearings whether there had been improper or illegal tip-offs of confidential material, whether the Clintons received special treatment or whether there had been interference or obstruction of ongoing investigations.

In doing so, I asked Roger Altman, a friend of the President, who then was running the S&L bailout agency in charge of investigating Madison Guaranty, a series of basic questions.

I asked Mr. Altman if there are any special measures taken when high-profile people are involved. On February 24, 1994, Mr. Altman assured me, the Senate, and the American people that his agency was treating the Madison case in an identical manner to other cases. And that his staff was directed to treat the criminal referral "in the exact same fashion" with "no deviation whatsoever."

I also asked about the criminal referral: "How was the White House notified of the referral?" Mr. Altman replied, "They were not notified by the RTC to the best of my knowledge."

Mr. Chairman, we heard just 5 months ago these repeated assurances that the RTC did not treat the Madison case differently from any other case, that the head of the RTC had instructed his people, from the moment that they were aware of Madison's new criminal referral, to treat the case no differently than any others, and it was not his people who had divulged confidential information to the White House and subsequently to the President.

But we now know this is simply not true, from contemporaneous documents and sworn depositions secured by our investigative staff. In the course of next week, we will show that not only did Mr. Altman not tell the Senate the truth, but even after the White House had a several hour meeting over what White House press spokesman, Dee Dee Myers, called "Altman's misleading statements," that no effort has been made to get the full truth out.

Based on the evidence we've gathered, we will show that Mr. Altman, as well as the White House, knew that Mr. Altman's testimony to the Senate, not only was untrue but it also violated the so-called high ethical standards that President Clinton had set for his Administration.

In fact, it violated the ethical standards that any Administration must set in order to preserve and retain the confidence of the American people. At the same time, the White House should have called on Mr. Altman to resign immediately. It did not.

It should have insured that the truth of the meetings, tipoffs, and efforts to influence should be exposed. It did not. Instead, even today, the White House continues to defend its actions.

Mr. Cutler, in his testimony before the House, stated that Mr. Altman has been a very effective Deputy Secretary of the Treasury and that he "personally hopes he continues in that job."

Which brings me to a key thread throughout this story: half truths, partial truths, nondenials, word games, and omissions of facts. The Kansas City Star put it best in their editorial on Wednesday. They said Cutler's statements were riddled with inconsistencies, unsupported assertions, and several claims that were immediately exposed as half truths or worse.

They also stated evidence of a potential interference with a Federal investigation and subsequent high-level cover-up is mounting.

I agree. When we ask questions in this Committee, we trust the Administration will tell the truth, be honest, and that we will get an answer. Unfortunately, it's a standard that Mr. Altman seems unable to comprehend. Mr. Altman forgot that his job is to serve the Nation, not just his old friend. Therefore, I believe his time is up and it's time for him to go.

The CHAIRMAN. Before calling on Senator Sasser, let me indicate that as we move through this proceeding, all of the documents that we have received, including the depositions that we have taken, except for a very minor part that have been redacted for privacy reasons, and agreeable to both sides, will all be made part of the final record and they will all be made part of the hearing record and they will be public and out into the light of day.

So as we proceed down through the hearings, it's important that we be able to retain our confidential use of these things in the decision of Senators to use certain parts of it as we bring witnesses in for cross-examination and particularly next week.

But in due course, all this information will be made available and that should be understood by all.

Senator Sasser.

OPENING STATEMENT OF SENATOR JIM SASSER

Senator SASSER. Thank you very much, Mr. Chairman. I want to compliment you, Mr. Chairman. You've well laid out the issues that are under scrutiny in this hearing, and the boundaries that should govern our inquiry.

It's pretty clear that the subject before us today can be put to various political uses. Nevertheless, I cling to the hope, however faint, that we can do our jobs without political rancor here over the next few days.

We all have a mutual interest in getting the facts. There are some legitimate questions of Government here but I believe we can get to the truth and keep the matters before us in perspective and also bring to them some ordinary standards of human decency.

I hope, we can all agree, that there's no place in this hearing room for lurid speculation about the tragic circumstances surrounding the suicide of Vincent Foster. The Special Counsel has spoken on this issue. The Justice Department and the Park Police have concurred. The Foster family has suffered enough.

Now, with regard to the contacts between the Resolution Trust Corporation, the Department of Treasury, and the White House concerning Madison Guaranty, there are some questions to be answered. Documents and depositions contain conflicting accounts of who talked to whom, about what, and when they talked with each other. I think we can begin with at least one fundamental certainty.

The criminal referrals involving Madison Guaranty proceeded on schedule, without interference, through the regulatory and criminal justice system. These criminal referrals are now in the hands of the Republican Independent Counsel and before a grand jury. So any contact that might be alleged or even confirmed, we should be clear did not hinder this process.

Now, this is the bottom line. The Independent Counsel found no obstruction of justice and no criminal behavior at all in these contacts. As my distinguished colleague, Senator Dodd, said, this isn't Watergate. This isn't Iran-Contra. No direct abuse of Presidential power is at issue before this Committee in these hearings.

Now, our charge under statute demands, however, that we go deeply. We're to determine whether or not "improper behavior" occurred in any of the matters under review.

Obviously, there's no bright line task for ascertaining whether so vague a standard has indeed been breached. But Lloyd Cutler, the White House Counsel, has already acknowledged that mistakes have been made and I believe this Committee must examine dispassionately the circumstances surrounding these mistakes in judgment and get to the bottom of what happened.

We face issues, perhaps serious, about whether Congress had been misled in the testimony before this Committee. We do have conflicting statements from high Treasury officials about what contacts were made and at whose direction they were made. But most important, our inquiry will be conducted in the ambiguous area of overlap between the Executive Branch's regulatory powers and its other responsibilities and interests.

Now, this is uncertain terrain, to say the least. But clearly, we have reason to question the sensitivity of some in this affair. The bar on matters of this kind, as has been stated earlier, is set very high.

People in positions of power must avoid even the appearance of conflict of interest. But having said that, let's not pull this matter out of proportion. The subject of this hearing is not comparable to the abuses of Executive Power we've seen in the recent past. As we move through these hearings, we should keep clearly in mind the conclusions of the Independent Counsel, and I think it's worthwhile to quote them here. He said, and I quote:

The evidence is insufficient to establish that anyone at the White House or the Department of Treasury acted with the intent to corruptly influence an RTC investigation.

So Mr. Chairman, I look forward to hearing from the witnesses as these hearings unfold, and I thank you for your leadership in this hearing.

The CHAIRMAN. Thank you.
Senator Mack.

OPENING STATEMENT OF SENATOR CONNIE MACK

Senator MACK. Thank you, Mr. Chairman.

I believe we're here today to protect the rights of the American people. They have a right to know the truth and no individual, no matter what his or her position, is entitled to infringe upon that right: The public expects Government officials to conduct themselves with honesty and integrity.

Government officials strike a bargain with the American people. The people confer power and authority upon them and in return, they are supposed to exercise that power within clearly defined limits. Unfortunately, we have seen that this Administration has appointees that have not upheld their end of that bargain.

When this happens, Congress can and must look into the matter. For some, I realize that muddying the waters, confusing the facts, and generally putting a lid on things is the goal.

Some say that engaging in this kind of inquiry may prove harmful to the Presidency and will do damage to the public's perception of the Executive Branch. In the name of protecting against such harm, we have witnessed extraordinary efforts to limit this investigation and withhold the facts.

I find these efforts deeply disturbing. While others may be willing to overlook the enormous number of inconsistencies and serious questions of impropriety in this matter, I am not. No matter how disturbing this may turn out to be, I want to know all the facts.

I simply do not accept that we shouldn't be doing this because it may damage the Executive Branch. Any damage that is done is

a result of the actions during the past year and a half by the people we will bringing before us.

Our proper role as Members of this Committee is not to act as advocates for one side or the other, but rather to seek the truth. I view these hearings as a painful but necessary responsibility of our system of Government. To dismiss them as mere partisan exercise is both short-sighted and irresponsible.

The documents and depositions before us prove that this, indeed, may be a difficult experience. We know that Mr. Altman's accounts of events during the spring and fall of 1993 differ sharply from that of a number of other witnesses. Notwithstanding his insistence to this Committee that he did not want to get "within 100,000 miles of the Madison case," he has become the eye of the storm. A storm so furious it stripped away the independence of the RTC when it came to a case involving the President of the United States.

Contrary to his public statements, we can prove that Mr. Altman was briefed about the first criminal referral on Madison within days of his arrival at the Treasury Department. We know that he was briefed a second time in detail in the fall of 1993 regarding nine new criminal referrals involving Madison.

We know that Mr. Altman directed an RTC official to brief Jean Hanson, the General Counsel to the Treasury, regarding the specifics of these referrals. We also know that Mr. Altman directed Ms. Hanson to speak to the White House about these referrals and she did what she was told.

At a September 29, 1993 meeting, and again the following day, she gave confidential information about the referrals to Bernie Nussbaum and Cliff Sloan of the White House Counsel's Office. What that means is the Clintons had information at their disposal telling them in advance that they were going to have to testify under oath about their dealings with Madison.

White House aides knew about what kinds of crimes were alleged in the referrals and who was alleged to have committed them. What alarms me most, about this fact, is that the Clintons had all this information before the Justice Department ever received the referrals.

This is just dead wrong. The White House's justification for these contacts is that they needed the information in order to respond to potential press inquiries about the criminal referrals.

In my mind, this raises a very significant question. Since when do we toss aside our standards regarding confidentiality and conflicts of interest just because the press might later have a question? The White House has said the Washington Post was inquiring at that time about the referrals.

Well, according to yesterday's paper, The Post had no specific knowledge of what was contained in the referrals, and, in fact, printed no significant story on the matter until October 31, 1993.

We want a credible explanation of these events. Finally, and more generally, I also want to know why Government employees were tasked with responding to questions concerning a purely personal matter to the First Couple. This blurring of personal matters and public duties recurs all through this controversy and to me, it is simply improper.

We have White House lawyers doing the President's private business. We have White House interference with the investigation of the very private matter of Vince Foster's death. We have White House interference with the confidential RTC investigation of a small savings and loan in Arkansas with which the First Couple was formerly associated. All of these improper interferences raise very serious questions for me. The questions are very real and they must be answered. The American people deserve no less.

The CHAIRMAN. Senator Shelby.

OPENING STATEMENT OF SENATOR RICHARD C. SHELBY

Senator SHELBY. Thank you, Mr. Chairman.

I do not take the responsibilities that the Senate Committee would like. Regardless of the politics or the dynamics that have charged the subject of these hearings, whether they're legitimate or not, whether they're real or not, we have an obligation to this body and to the American people to conduct these hearings fairly and expeditiously and with one purpose in mind: To expose and to examine to the best of our ability the facts about what has come to be known as Whitewater/Madison.

It's only by shedding light on the facts of these issues that we can come to some understanding about the truth of the matter and lay it to rest, lift the cloud of suspicion and innuendo that has dogged the Presidency over the years. We're committed, under Senate Resolution 229, to discover the facts about several specific matters which relate to Whitewater.

It's my hope in discovering the facts here and I will take the broadest possible view of Senate Resolution 229 and this Committee's general oversight authority during these hearings. This Committee does not have the authority to grant immunity to witnesses in order to avoid directly interfering with Special Counsel Fiske's investigation.

Short of this, however, I believe we should shine a bright light on these matters and the U.S. Senate should not allow the Special Counsel to dictate what the legitimate bounds of this Committee's authority are, nor attempt to affect the institutional role this Committee plays in conducting hearings on these matters, nor can we or should we use the Special Counsel as an excuse for not looking into matters concerning Whitewater/Madison that may be embarrassing to the White House.

The truth is often elusive but we should not hesitate to pursue the truth about Whitewater/Madison. I believe there's absolutely no reason why the documents, for example relating to Whitewater/Madison, should not now be made available to the public. Publicly disclosing these documents at this point, I believe, would not compromise Special Counsel Fiske's investigation, but it would, Mr. Chairman, allow the American people to judge these matters for themselves, as we're doing right now.

Of the several matters we will be looking at in these hearings, I'm most concerned with contacts that occurred between Treasury, RTC, and the White House relating to Whitewater/Madison.

Lloyd Cutler, Counsel to the President, has testified that there were more than 30 contacts between White House aides and Federal regulatory officials concerning Whitewater/Madison.

I have serious concerns over such an extensive dialog occurring between the White House and regulatory officials responsible for directing and investigating civil and criminal charges. What was the purpose of these meetings? What influence did they have on the regulators, if any? Did they compromise the independent judgment and decision of the regulators or the independence of the agencies themselves? Were these contacts improper and did they violate any Government ethics rules or regulations?

I believe that the Executive Branch should not interfere with or influence in any manner civil or criminal investigations conducted by the RTC. That's a matter of public policy.

I'm deeply disturbed with evidence that important and necessary policy decisions at the RTC may have been directed by purely personal political damage control considerations. During the time in question, the Department of the Treasury was basically running the RTC with all press, legislative and legal functions, core agency functions being administered by Treasury.

We set up the RTC here in Congress as an independent agency for a number of purposes, among which would prevent the politicization of civil and criminal cases that may arise from the failure of a particular savings and loan.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Shelby.
Senator Faircloth.

OPENING STATEMENT OF SENATOR LAUCH FAIRCLOTH

Senator FAIRCLOTH. Thank you, Mr. Chairman.

On January 20, Janet Reno appointed Robert Fiske to investigate her boss, President Clinton. Because of Robert Fiske, the Banking Committee can only talk about two things at this hearing: First, the handling of the criminal referral that named the Clintons as possible beneficiaries of criminal activities. Second, the investigation into the suicide of Vince Foster and whether or not the Clinton Administration attempted to influence that investigation.

Because of Robert Fiske, we cannot talk about Bill and Hillary Clinton's Whitewater partnership and how they benefited from tax-back money diverted from Madison Guaranty Savings & Loan.

Because of Robert Fiske, we cannot talk about Hillary Clinton's influencing a regulator to keep that savings and loan open, despite the fact it was insolvent and should have been shut down.

Because of Robert Fiske, we cannot talk about how that interference helped cost the American taxpayers over \$60 million.

Because of Robert Fiske, we cannot talk about how the convicted cocaine distributor Dan Lassiter bankrolled the Clinton campaigns, paid off the President's half-brother's drug debts, and then got sweetheart bond deals from the State of Arkansas.

Robert Fiske was appointed Special Counsel only after months of stonewalling by the President and according to Roger Altman's diaries, by the First Lady also. Even then, it was only after the investigatee, Bill Clinton, decided he was ready to be investigated—rather he could not prolong it any longer, that Fiske was appointed. Fiske's independence has been seriously questioned. President Clinton's former legal counsel, Minority Senator Nuss-

baum, recommended his friend Robert Fiske for a job with former Iran prosecutor, Lawrence Walsh.

Nussbaum and Fiske have worked on the same side together in at least two legal cases. Robert Fiske's law firm represented the company that sold the land to Bill Clinton's Whitewater partnership. Bernard Nussbaum also consulted with Robert Fiske on at least two high-level Administration appointments.

One was the nomination of Louis Freeh to be the director of the FBI, an agency that would later assist Fiske's investigation.

Now, Robert Fiske is supposed to be investigating Nussbaum. What's more, Robert Fiske also worked with President Clinton's lawyer in Paula Jones's sexual harassment case, Robert Bennett. They worked together on a case involving the Bank of Credit and Commerce International, also known as BCCI.

BCCI was a scandal-plagued \$10 billion bank failure that has been implicated in alleged wrongdoing involving the Arkansas phase of Whitewater, which Robert Fiske has banned us from even talking about here today.

Despite the fact that Robert Fiske can investigate any crime, he would not investigate the commodity trading activities of Hillary Clinton when she took a \$1,000 initial investment and turned it into a \$100,000 profit with the help of a lawyer from Tyson Foods.

Robert Fiske would not investigate Hillary Clinton's commodity trades because he said the statute of limitations on securities fraud had expired. Yet if there was security fraud, there was also probably tax fraud and there is no statute of limitations on tax fraud.

Still, Robert Fiske would not even investigate. Robert Fiske's response to media requests for documents that they were legally entitled to under the Freedom of Information Act was to stonewall. Robert Fiske's response to the Senate request for documents to prepare for this hearing was to send only part of the documents, and even then, whole sections were missing from the documents that were sent. The lawyers called this redaction. But common sense tells you it is hiding information that would be embarrassing to the Clintons.

When the Clinton White House asked Robert Fiske to allow them to review documents in order to prepare for these hearings, Robert Fiske provided them documents back in May. The Fiske Report we have here today is a superficial document that says a lot more about the White House and Robert Fiske than it does Vince Foster.

The American people deserve better.

One last point. The cover-up continues here today. Captain Charles Hume of the Park Police said at his deposition that he would be available to be a witness, that he could be reached at any time. And now the chief of the Park Police says he cannot find Charles Hume, cannot find him today. We will say more about this later, but the U.S. Park Police need to know that this will not go away.

I thank you.

The CHAIRMAN. Thank you, Senator Faircloth.

I might say that issue has arisen a couple times and I want to provide a little information on it.

On July 28, yesterday, the Park Police informed the Committee by letter that Captain Charles Hume, who went to the White

House to interview Mr. Foster's co-workers and search Mr. Foster's office, was out of town, could not be reached, and would not appear here to testify. It came as a surprise to all of us.

When he was deposed by the Committee on July 22, which was a week ago, he was told, and I quote:

There are going to be hearings next week that also stem from Resolution 229, which brings us here today, and you may be called as a witness at those hearings.

So he was under very direct and explicit notice. A joint letter of invitation was sent to him 2 days ago as we were formalizing our formal witness list, but he had been on notice a much longer period of time.

Although this may be an innocent misunderstanding and I won't make a presumption one way or the other, the notice given at the beginning of the deposition makes it difficult for me to understand why he would leave town without checking with the Committee or leaving a telephone number where he could be reached. They tried to reach him and have been unable to do so.

I would also say this. The area that he's most directly involved with, at least to my view, relates to the activities in the White House, Mr. Foster's office, and the documents there. We've been asked not to deal with this right at this time by Mr. Fiske, and so we respect that.

I know you've just expressed your view on that matter. We do have people here from the Park Police who actually were on the scene and were central to the investigation of Mr. Foster's situation. They're going to be here before us later today, and so we'll have the ability to, I think, in a variety of ways to get all the information we need in this area, but let me put that information on the record at this point.

Senator D'AMATO. Chairman, I'll tell you what's troubling this Senator that's come from my colleagues, as the Committee begins its hearing today without one of the most crucial witnesses to the Foster death investigation, and that is Captain Hume.

Captain Hume testified, at length in his deposition last week, that the Park Police were unable to do their job investigating the tragic death of Vincent Foster because the White House wouldn't let them do their job.

He went on to testify, and I quote:

It became a joke that the Park Police had to wait to get permission from the White House before they could do their job.

Clearly, if we are going to go into the manner in which the investigation was conducted, Captain Hume should be here. I would hope if we cannot ascertain with definiteness by some time that we would issue the necessary subpoena and also bring in his supervisors, because we were also told that he could be beeped at any time.

We have some—"you can get us any time. Any time you want, beep us." So I don't know whether he's been ordered—

Senator BOXER. Point of order, Mr. Chairman. I thought we would all be heard and then we would get into these decisions.

The CHAIRMAN. We will.

Senator D'AMATO. I just wanted to make our point of view known. And I've concluded, but I think it's important certainly that we get his boss to find out how it is and how can we get contact

with him, particularly when we were told we could get him any time of the day or night, 7 days a week, 24 hours a day, always has a beeper.

The CHAIRMAN. I don't want to get us diverted on this. I'd like to make this statement and yield——

Senator KERRY. Well, before you do——

The CHAIRMAN. No, I want to make my statement first. I understand you're seeking recognition. Let me make my comment and then if you want to be recognized, I will be happy to recognize you.

I want to indicate that we have a sworn deposition from this individual. He will be called to testify beyond today. We're not going to get hung up on that point. So that's not an issue. We'll have him in here for any questions that need to be raised. His supervisor is here today and he can answer questions as well. So I trust that——

Senator KERRY. Mr. Chairman, I just want to be recognized on this issue for a minute. The Senator from North Carolina said that the cover-up continues today and there's some impression being left, without adequate factual foundation, that this somehow may be something more than an innocent mistake or something.

It's my understanding that while he was supposed to be available, that he's on vacation because he didn't get the invitation prior to the time he was going on vacation and that he's available Monday.

If he's available Monday and he is indeed, by mistake, legitimately on vacation—I'm not saying it is legitimate—but if that's true, then it's irresponsible to suggest that there's some great cover-up going on and all I'm saying is we ought to be careful of the terminology we use before we understand the circumstances.

He is going to testify. We all know he'll come here and we have the capacity to compel him to come here.

The CHAIRMAN. He'll be here.

Senator KERRY. We shouldn't make it a mystery that he isn't.

The CHAIRMAN. He'll appear, as I've just indicated.

Senator Kerry, let me call on you for your opening statement.

OPENING STATEMENT OF SENATOR JOHN F. KERRY

Senator KERRY. Mr. Chairman, one thing has become very clear through the discussions and hearings thus far on Whitewater and that is that the American people do not want these proceedings to become a partisan circus. They don't want to see Republicans and Democrats wasting dollars and time scoring points against each other. They want to know the facts. They deserve to know the facts, the truth, and they want to know that we are capable of finding those facts without ourselves violating standards of decency and ethics.

I believe thus far, this Committee has done a good job of laying the groundwork for serious examination of this issue. That groundwork has been the most comprehensive to date, benefiting, obviously, from prior work of the Independent Counsel.

More than 37 people have been deposed, some for over 3 days at a time. More than 44 deposition days have been crammed into a small period of time with three lawyer teams working each day and sometimes all night. 10,000 document pages have been turned over, reviewed and, despite leaks, there will be information which will be

heard here for the first time. I believe that this first stage represents a serious inquiry that will not compromise the work of the Independent Counsel.

We've set the stage for competent probative hearings and whether they will be is up to us. While it's inappropriate to draw conclusions before witnesses have fully testified, we do know from depositions the parameters of their testimony. We know what these hearings are about and equally importantly, we know what they are not about. Just as we have a responsibility not to dismiss or diminish what may have occurred, we also have a responsibility not to exaggerate or fantasize.

So an honest appraisal, a nonpartisan appraisal, requires us to make clear that we are not close to a constitutional crisis, to a grand conspiracy, and there is no indication whatsoever of direct Presidential abuse or involvement.

But this is a legitimate inquiry, and there are important questions which deserve to be answered. There are clearly legitimate questions about some individuals who acting on their own in what they deemed to be the interest of the President or themselves—or both—may have exercised questionable judgment. That is mostly what these hearings are about, judgment.

There is a world of difference, obviously, between Presidential directives, instructions or actions, and the independent actions of staff outside of the President's involvement, and there is a world of difference between conversation and actions taken or not taken by that staff.

This investigation in some way now comes full circle to this Committee. Questions have surfaced about prior testimony before this Committee so it is particularly important for us to be satisfied about those questions.

We have a responsibility to make certain that information coming to us from the Executive Branch is true, complete, and accurate. And the Senate has a responsibility to police the information which comes to us because no one else will do it for us.

For myself, I join a couple of other colleagues in saying that there is a profoundly sad and even degrading aspect to this opening day subject.

The FBI, the Park Police, the Foster family, and the Special Counsel have all concluded that Vince Foster tragically took his own life. The medical examiner, the FBI laboratory, the DNA analysis of the gun, the medical and forensic experts all agree, but somehow here is the U.S. Senate giving credence to the most insulting, degrading, lurid, and lunatic theories that people can invent, and, in doing so, dragging a good person's reputation into the gutter. I think this is wrong, Mr. Chairman, but I understand you didn't ask for it. You don't like it, and that like it or not, some have asked for it and if we don't do it, we feed the worst speculation and give license to the absurd, so we are here.

It just leaps out at me that if some people had really wanted answers to the questions they have raised publicly, particularly in the other body, on the floor of the House of Representatives, and in some counts, they had only to read and inquire. I am convinced that some were not as interested in the answers as they were in seeing to it that the questions received wide circulation.

This Committee has an opportunity to get at the truth. Nothing is more important. The principle that we should live by during these hearings is full disclosure, open Government, and let the chips fall where they may. That's the only way to guarantee we fulfill our obligations as an independent branch of Government and individual Senators.

I might say, though, there is an Alice-in-Wonderland quality to some of the comments we've heard this morning. I think the king of hearts said verdict first, trial afterwards, everything upside-down. It is very clear that there are serious questions which we must ask, but we don't know anything beyond a reasonable doubt until witnesses have testified.

It is important that the White House itself, for instance, undertook to correct Mr. Altman. It is important, obviously, that certain political realities could not have permitted some of the things that have been alleged here this morning. It is for the witnesses to determine that and it is for us to fairly and impartially solicit the answers and give them the opportunity to do so.

The CHAIRMAN. Senator Roth.

OPENING STATEMENT OF SENATOR WILLIAM V. ROTH, JR.

Senator ROTH. Mr. Chairman, there are two important points that I'd like to make in my opening remarks. First, that these hearings are appropriate, and they are important.

It is the responsibility of Congress to be concerned about the oversight of Government agencies. It is the responsibility of Congress to see that these agencies, including the Treasury Department and the Resolution Trust Corporation, are operating according to the laws passed by Congress and in the best interest of the public. It is the responsibility of the Congress to see that they maintain high standards of ethics and that they avoid conflicts of interest.

The second point is that we are here to determine whether our code of ethics and our laws are adequate to guide men and women in public office. I'd like to make it clear that our intent is not to judge criminal wrongdoing. That is not a function of these hearings.

In addition, we had been restricted by the Majority to keep the scope of these hearings very narrow. Nevertheless, what we must concern ourselves with here is the question of ethics and the possibility of conflicts of interest in Government agencies that we created.

Most, if not all, of the questions I will be asking are based on common sense. Questions like if an investigation is being made of the personal conduct of the President, should an individual who is appointed by the President, an individual who is a personal friend, be responsible in any way in the investigation, or as a general rule should he remove himself from the investigation.

Questions like when a preliminary investigation is underway involving his own personal contact, should the President be given information concerning that investigation that the man on the street would not be given if he were in the same situation.

I know the Administration states it is entitled to be provided with such sensitive nonpublic information so it can respond to

press inquiries. But is this reason enough to extend privileges to the President that the common man does not have? On this point, it is interesting to note that The New York Times today states while White House Counsel Lloyd Cutler said in a colloquy that giving the President information concerning the investigation was necessary for the Administration to respond to press queries, the fact is, according to the Times, and I quote, "The Administration's answers to media inquiries at the time were generally 'no comment.'"

Another more specific question is whether White House personnel violated the White House's own ethical guidelines in this case. For example, White House staffer George Stephanopoulos called Treasury Chief of Staff, Mr. Steiner, to complain about the hiring of Jay Stephens by the RTC for the Madison Guaranty civil case. In the words of Mr. Steiner's own diary which I quote:

George suggested to me that we needed to find a way to get rid of him.

Now, this communication from Mr. Stephanopoulos came in spite of an official memorandum from Presidential Counsel Nussbaum on the prohibition of White House staff contacts with independent agencies, which was issued on February 22, 1993, a copy of which is displayed behind me.

Mr. Nussbaum's memorandum states, and I quote:

There is generally no justification for any White House involvement in particular adjudicative . . . proceedings at any agency. Therefore, as a general rule, no member of the staff should contact any agency in regard to any adjudicative matter pending before that agency.

This is exactly what George Stephanopoulos appears to have done. Was not this a violation of the White House's own published ethical standards? As I say, we are not here to determine the criminal liability of any particular individual; that is the task of the Special Counsel and the courts if it comes to that. As far as I am concerned, we are here to get the facts. That is how I shall proceed and I hope it is how the Committee will proceed.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Roth.

Senator Bryan.

OPENING STATEMENT OF SENATOR RICHARD H. BRYAN

Senator BRYAN. Thank you very much, Mr. Chairman.

Our focus in this phase of the Whitewater matter must be three-fold: First to inquire if there was improper interference into the independence of regulatory agencies. Second, to ascertain if conflicts of interest existed and were ignored. Third, to determine if there was an effort to mislead the public and/or the Congress.

It is this Committee's duty to conduct a thorough, fair, and non-partisan inquiry and we established a process to do just that.

Because Mr. Fiske, a Special Prosecutor looking into the entire Whitewater/Madison matter has asked the Committee to confine the scope of this hearing to only those matters he has completed investigating, there will undoubtedly be questions left unanswered for the time being.

This will not be because there is an attempt to avoid a full discussion but in order to prevent the Special Prosecutor's investiga-

tion from being compromised. Mr. Fiske has not yet completed his investigation.

The Congress should learn from its mistake in the Iran-Contra hearing. By holding hearings, calling witnesses and offering them immunity for their testimony before the Special Prosecutor had completed his case, Congress ultimately compromised that investigation. Our judicial system paid the price when the prosecutor's cases were then thrown out of court and convictions were overturned. We should not make that mistake again. The process that we have established to review areas of inquiry, once Mr. Fiske has completed his work, is the sensible and responsible way to handle this matter.

Mr. Fiske has concluded that no criminal offenses were committed in this first phase of his investigation. This Committee's charge, however, is much broader. It is this Committee's obligation to consider the ethical propriety of certain actions taken by public officials.

In my view, some contacts appear to be improper. Some discussions appear to be inappropriate. Compounding whatever errors may have occurred is the undeniable fact that from day one statements made and questions answered had to be revised, written, and retracted until the shadow of doubt was cast simply because all the facts were not forthcoming from the outset.

Another lesson to be learned is that policymakers and regulators must be kept separate. No one person can assume both roles. Whatever errors Mr. Altman may have made, he was placed in an untenable position.

The independence of regulators is one of the basic tenets of our Government. This is not a problem unique to this Administration. It has occurred in the past.

Regardless of any decisions later made, the independence of the Resolution Trust Corporation was, in my view, undermined when a Treasury Department policymaker was put in charge.

Mr. Chairman, we need to take legislative action to ensure that the head of the RTC will be totally independent. A high-ranking Treasury political appointee has the responsibility and duty to advance the interest and policies of his Administration. Mixing the two is asking for trouble and in this case we found it. We should amend the RTC regulations so that a future regulatory independence is insured.

None of us yet have the knowledge to judge the entire matter and those questions are left to be answered by Mr. Fiske's full probe when it is completed.

There are legitimate questions which this Committee should ask. The Committee has a right to know. The Committee has a right to ask. The media has a right to report. That's what makes our system a democracy and that is all good. What is not good are the innuendoes, the leaks, the exaggerations, and distortions which have occurred around this hearing. It is time for that to end.

My role in this hearing is simple. I want to get at the facts fairly and openly. And although it appears no criminal violations have occurred, I am troubled by the conduct of some of the Administration's aides. The President, in my opinion, has not been well-served by their zeal and I'm particularly bothered by the testimony before

this Committee by Mr. Altman and the series of explanatory letters that followed.

I'm hopeful, however, that today's hearing focusing on the tragic death of Vincent Foster can be conducted in a manner which will not unnecessarily add to the personal grief his family has already endured. This is not the time, nor the place for sensationalism. I did not know Mr. Foster but from what I've heard about him, he was a good man who came to Washington to serve his President and his country.

Mr. Fiske concluded, and I quote:

That Vincent Foster committed suicide in Fort Marcy Park on July 20, 1993. Although the contributing factors to his depressed state can never be precisely determined, there is no evidence that any issues relating to Whitewater, Madison Guaranty, or CMS played any part in the suicide.

While I do not advocate that this Committee should be bound by all of Mr. Fiske's findings, I do find reprehensible the attempts by some to invent a new scenario surrounding Mr. Foster's death. Let us deal solely with the facts as they occurred.

I thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Bryan.
Senator Bennett.

OPENING STATEMENT OF SENATOR ROBERT F. BENNETT

Senator BENNETT. Thank you, Mr. Chairman.

I'd like to say a few things about myself. No. 1, my name is Robert Bennett, but I am not the President's lawyer.

No. 2, I will be happy to stipulate that Vincent Foster committed suicide. There was a time when the rumors in the press led me to believe there was some credence to an additional theory. I find no possible justification for that now. I am one Senator who is willing to say that this hearing should not be about whether or not Vincent Foster committed suicide. He committed suicide. I will so stipulate.

I will not stipulate that the investigation of that suicide was handled in a proper fashion. I think that's a legitimate thing for us to go into. Now, I see some of my colleagues in the other body saying we shouldn't even be having these kinds of hearings. What a terrible thing. What a waste of time. Why are we here? I agree with some of my colleagues who mention why we're here. We're here because the U.S. Senate by a unanimous vote told us to be here to investigate this.

That is not a frivolous reason for the Committee to meet. Why is it in this Committee? I think it's very appropriately in this Committee because this is the Committee that has oversight and a long history of involvement with the RTC.

This Committee by public law last year went to lengths to amend the original RTC Act to make sure the RTC would be as independent as possible, that it would not be a politicized arm of any Cabinet level department. And the reason we're here is that we have evidence coming from the deposition that suggests that in this Administration, there has been an attempt to create that circumstance where the RTC would be politicized and run as if it were an arm of the Treasury Department.

The eye of that storm, as has been identified, is clearly Mr. Altman. We have two or more versions of what Mr. Altman may or may not have done. Top level officials in the Treasury Department have come and given sworn depositions. We need to find out which version is true.

If indeed one version of events is true, then The New York Times is correct in calling for Mr. Altman's resignation or dismissal. I'm not prepared to do that yet. I won't rush to judgment as quickly as The New York Times has because I want to hear Mr. Altman and hear him defend his version of events. But if his version of events does prove to be true, then there are some other people in the Treasury Department who should be dismissed because there's a wide divergence, and we need to find out which one of those is true. If the position of the other officials is true, then I will join with The New York Times and suggest that it's time for Mr. Altman to join Mr. Nussbaum, Mr. Hubbell, Mr. Watkins, and others in pursuing private activities.

That's really why this is in this Committee because at bottom, the result we want to have come out of this from a Committee point of view is a reestablishment of the principle that the RTC should be independent, that it should not be meddled with by political appointees in a Cabinet level department and that those representatives of the RTC who appear before this Committee in future circumstances can be depended upon to be frank, candid, and honest with the Committee.

Those are legitimate issues. I'm grateful to my friend from Massachusetts who has stipulated that this is a legitimate inquiry because somehow they seem to have lost sight of that on the House side.

I congratulate you, Mr. Chairman, in the way you have put this together to make sure that we do not lose sight of the legitimate nature of this inquiry on this side.

Thank you.

The CHAIRMAN. Thank you, Senator Bennett.
Senator Boxer.

OPENING STATEMENT OF SENATOR BARBARA BOXER

Senator BOXER. Thank you, Mr. Chairman.

When Attorney General Reno appointed Robert Fiske to investigate Whitewater, her choice was pretty universally praised, except by, I assume, Senator Faircloth who, in my view, viciously attacked Mr. Fiske in his opening statement.

At the time Senator D'Amato said:

Bob Fiske is uniquely qualified for this position. He is a man of uncompromising integrity who will unearth the truth for the American people.

So I believe in properly honoring Mr. Fiske's request. The Senate voted for sequential hearings, and I would note that this Committee has responded to the resolution in a most serious and professional fashion and I compliment both sides of the Committee leadership for that and the staff of both sides.

The first issue is the Vince Foster death. Independent Counsel states:

The overwhelming evidence compels the conclusion that Vincent Foster committed suicide. There is no evidence that issues related to Whitewater played any part in his suicide.

Now, you've heard that several times. But that's the crux of the matter. Mr. Chairman, the exploitation of Vincent Foster's death by those who want to hurt this Presidency is one of the saddest chapters in our recent political history. Mr. Foster's family deserves better.

There are lessons to be learned from the Foster suicide. The first is that every person needs to be alert to signs of depression in family, friends, and colleagues, and to recognize that depression is a real illness which requires professional help.

The other lesson is more general. Vince Foster said in a law school address, and I quote:

There is no victory, no advantage, no fee, no favor which is worth even a blemish on your reputation for intellect and integrity. Dents to the reputation in the legal profession are irreparable.

That's Vincent Foster's own words. Mr. Foster was not prepared for the cold political world. Yes, there is a lesson for all of us here, both Democrats and Republicans.

National politics will never be gentle, but let there be boundaries and just a little bit of respect for each human being, if for no other reason, then for the children, Vince Foster's children, our children, all of America's children. They watch us, Mr. Chairman, and they listen, and the tone is too often ugly.

Four days before he took his life, Mr. Foster told his sister he was hesitant to see a psychiatrist because it could jeopardize his security clearance. I'm pleased that the Administration has initiated a review into the policy of interpreting a person's visit to a psychiatrist for a reason to deny or revoke a security clearance.

The second issue for our Committee regards contacts between the Administration and Treasury personnel. Here again, Mr. Fiske has found no criminal violations, but our job goes deeper, as has been stated so eloquently by colleagues on both sides, into whether there was improper conduct or unethical behavior.

I have reviewed the ethics guidelines that apply here. We must determine if White House staff violated their own guidelines, which Senator Roth had behind him which read in part "no member of the White House staff should contact any independent agency with respect to any pending adjudicative or investigative matter."

We must determine if Treasury officials breached guidelines issued by the Office of Government Ethics when they contacted White House staff. Those guidelines state that an employee shall not make "improper use of nonpublic information to further his own private interest or that of another."

I would note that the President himself has said, "it would be better if the meetings and contacts had not occurred." And White House Counsel, Lloyd Cutler, told the House Banking Committee "there were too many people having too many discussions about too many sensitive matters." So already, Mr. Chairman, lessons have been learned by this Administration.

I want to state a special concern. This Committee has the right to expect that the testimony from witnesses is truthful and complete. And I share the concerns expressed by Senator Bryan and Senator Gramm and others. For witnesses to shade the truth or

give incomplete answers based on tortured interpretations of our questions is unacceptable.

Mr. Chairman, in trying to understand all of this, let us not forget human nature. In my view, the White House/Treasury contacts stem from an all too human desire to ensure that something that happened 8 years ago not interfere with the urgent task of governing.

Since the Whitewater events happened so many years ago, before this President was President, why not simply keep the White House staff out of it completely. If there's a problem with press inquiries, refer those to a private attorney who is handling the issue.

So yes, Mr. Chairman, there are lessons that have been learned and lessons to be learned by all of us. No one on this Committee should be high and mighty and superior about all this. No one of us is perfect, and I hope these hearings will help all of us do a better job for the American people.

The CHAIRMAN. Senator Boxer, I might just make one comment before yielding to Senator Domenici, and that is, as you spoke about Mr. Foster and the tragedy of his death and the impact upon his family, I was so struck, as I'm sure you were in reading of the report of Mr. Fiske, that Mr. Foster in days just before his death did try to get help.

He called professionals who might have been able to counsel him in dealing with this depression problem that he obviously had. And one of the great ironies is that he called at a time when the professional was not there.

So the evidence we have was that although he tried on two occasions to reach for help, it's just fate that he was not able to get the help at that moment and then sadly didn't try it again.

Senator BOXER. And he also feared that if he did make this contact, he could lose his clearance.

The CHAIRMAN. Yes. And that is a matter of the record and we'll get into that at some point. Senator Domenici.

Senator MACK. If I could, Mr. Chairman, since you're having dialog back and forth on these different issues and questions. I feel compelled to make a response here that there's an implication that at some point there are going to be some questions asked about Foster's death, and somehow that's going to be terrible for us to do that on this side. But I would just remind everyone that we are here because, frankly, of the way the whole situation was handled. There have been serious questions raised so I think people ought to be sensitive to that.

The CHAIRMAN. Let me say, Senator Mack, and I don't want to digress at this point, but that certainly wasn't the implication or intention of my remark.

Senator Domenici.

OPENING STATEMENT OF SENATOR PETE DOMENICI

Senator DOMENICI. I hope it wasn't the implication of anyone's remarks because I don't think that's the intention on this side, and I think we'll just let it evolve with reference to his death.

I don't think anyone on our side is challenging whether or not it was a suicide. So perhaps we can get rid of that rather quickly.

But, Mr. Chairman and Members of this Committee, I guess as I look around—even though I'm way over on this side of the table on the end—I think I've been in the Senate longer than anyone here and I have learned in that period of time, fellow Senators, not to rush to judgment. And I don't do that very often.

In fact, I did not do that in this case. But having considered the facts gathered in advance of these hearings, I have to admit that I'm more than a little distressed about the actions of a number of Administration officials in this matter.

Mr. Chairman, much has been said about the Fiske investigation. I believe it is probable that we have more evidence today about Whitewater as it relates to these hearings than Mr. Fiske had in his investigation. I believe we've had depositions of more people. Just as much evidence has been gathered and so I believe we know what we're talking about.

On this side, we're going to talk about facts. We have many facts. I'm not sure the House had facts, but we've had an opportunity because of this Committee's leadership and the Senate which gives a fair opportunity to both sides. We have plenty of facts to back up what we're doing.

But this story is regrettably an all too familiar part of history in this city because the contacts between the White House and the Treasury Department regarding the RTC investigation into Madison reveal yet another opportunity, another instance in which political considerations took precedence over all else, and I am firmly convinced about that. And that's not a small matter because these actions have seriously jeopardized the RTC's independence. Let me discuss just a couple of items—there are many more—but a couple that trouble me deeply.

First, I want to focus on something Senator D'Amato raised in his opening remarks. Exactly what did the President's closest advisors at the White House know about the RTC's investigation of Whitewater and Madison Guaranty and how did this knowledge potentially compromise the RTC's ability to complete this investigation? And I believe we are going to find, before we are finished, that it did that mightily.

Confidentiality and secrecy are critical to a successful criminal investigation. Everyone knows that. Otherwise, evidence can be destroyed, testimony tailored, investigative techniques limited, and the advantage of surprise lost. Yet, the Madison Guaranty investigation's confidentiality was repeatedly violated.

As early as September, the information that Roger Altman and Jean Hanson provided the President's closest advisors was highly confidential and involved criminal referrals that had not yet reached the Department of Justice, a rather incredible set of facts. But the White House later received, through improper channels, even more valuable information.

In January 1994, the RTC was facing three choices, as you've already indicated, Senator D'Amato.

One, the RTC could file a case by the February 28 deadline, or it was all over. Now, the meetings occurring in February, the second day of February.

The second thing they could do was to seek a tolling agreement under which the people involved, including the President and the

First Lady, might be asked to cooperate and to voluntarily agree to extend the deadline for further investigation and possible prosecution. And let me remind the Senators, this occurred frequently in RTC investigations and many Americans signed those kind of agreements under the threat of a suit being filed.

Three, it could let the deadline pass without filing anything.

Now, frankly, by February 1, 1994, the White House knew that the investigation of Madison Savings & Loan was occurring. The deadline for filing the suit was only 28 days away, on February 28. If that arrived, and no criminal referrals were made, no lawsuit could be filed. They would be saved by the bell, so to speak.

During that February meeting with Altman, the President's closest advisors reportedly pressed Altman to remain the decision-maker until the deadline expired, and the case was closed.

But Congress unexpectedly intervened and extended that deadline. That was noted by one of the witnesses from the White House, Ellen Kulka, as the earthquake event. In other words, all was going well until that event occurred, and it was an earthquake.

But that's not all that was said at that meeting. It's simply not true that Mr. Altman merely provided public information about the legal process when he went to that meeting.

Sworn testimony by the White House Deputy Chief of Staff, Harold Ickes, establishes that at that meeting Altman told the President's closest advisors about the progress of the investigation. He told them that "the investigation was going to take a longer period of time to conclude," and that's in quotes, and he also said—and these are in quotes—"that it was unlikely that the investigation could be completed and a recommendation made by the General Counsel prior to the expiration of that statute."

Now, Mr. Chairman and fellow Senators, if that occurred in any other case regarding witnesses or targets, we would have called those people before us and said, "you are guilty of giving favored information and treating people with favor that other Americans don't get."

That was a big blow to this investigation because now, the White House staff knows that the case isn't ready yet. Without this knowledge about the status of this investigation, everyone involved would have been well-counseled to cooperate and yes, even to sign whatever the RTC asked for in terms of tolling the statute.

But when Roger Altman gave the White House this vital information about the progress of this investigation and he called it a heads up, he gave them heads up, all right—not to agree to anything because the RTC was not ready to file a lawsuit.

Now, armed with this kind of information, the RTC's chance of obtaining an agreement for more time is eliminated. If he didn't know that, he should have known that. Altman destroyed an option when he gave this progress report at that February 2 meeting.

An act of Congress extended this deadline and, incidentally, that was done by you, I say to our Ranking Member, with the assistance of Senator Metzenbaum. This heads up is but one of the troubling aspects of this affair.

Some in this city attempt to minimize these hearings, but I would simply point out that we have a serious oversight respon-

sibility to unearth the truth and ensure proper procedures are followed.

I would like to point out that we would not know what we know today had it not been for this Committee's hearing in February when Mr. Altman first revealed under questioning his contact with the White House. So I think we have a lot to get under our belt in a few days and I intend to be part of conducting this hearing with the highest dignity and respect. But that does not mean that because we are doing this as Republicans on this side, it does not mean that we have any motives other than the right motives for the American people. They deserve the truth, whether it's this President or any President and their White House staff.

The CHAIRMAN. Senator Campbell.

OPENING STATEMENT OF SENATOR BEN NIGHORSE CAMPBELL

Senator CAMPBELL. Thank you, Mr. Chairman. I along with my colleagues want to congratulate you and the staff for all the effort you've gone through to put these hearings in place. I have to say I've watched some of the hearings in the other body on the other side of the Hill as most other people have and it looks to me like they're getting vitriolic, long on posturing, long on accusations, and short on information. To my way of thinking, it's made great theater for the American people but I'm not sure it's going to improve policy. If our hearings do lead to some policy changes, then we certainly will have done our job.

These hearings begin with the investigation of Vincent Foster's suicide and that should turn the stomach of any caring American. I really believe we should drop that whole issue and it's obvious we're not going to but we should for the sake of Vince Foster and his family. That was their specific wish. The Independent Counsel, Mr. Fiske, concluded that this was a suicide, the family is satisfied with the Fiske investigation. It seem to me that rather than flogging the issue, we should be ashamed of ourselves and let the man's family live at peace and let him rest in peace.

The Park Police, the FBI, the medical examiners, the Independent Counsel, they're all professionals and they did their job and concluded that Vince Foster did indeed commit suicide. It's sad and tragic, but we should let his family celebrate his many accomplishments and not dwell on the circumstances of his death. And I agree with Senator Dodd, that it does, indeed, border on macabre. In the statement of the Vince Foster family they said themselves there's now no justification for painful repetition or examination of these issues.

The principle advocates for doing this appear chiefly motivated by mean-spirited partisanship. They certainly did not care at all for the feelings of Vince's family, particularly for his children, who have suffered greatly. And, with your permission, I would like to introduce into the record that whole statement by the family.

As far as the rest of the hearing goes, we're supposed to discuss whether there were any improper contacts between the White House and Treasury or RTC officials.

The Independent Counsel, Mr. Fiske, a man we have all praised who has great credentials, who enjoy glowing praises of most of the

people on this Committee on both sides of the aisle, has said the contacts weren't illegal. I believe him.

I also believe what Senator Domenici has said, maybe there are new things that have come up, if I can paraphrase him, that we need to look at and we shouldn't minimize the effects of the new things we may find out.

In addition, the White House Counsel has said that White House officials did not break any Government ethics rule. That's said by a man whose reputation is as solid as a rock. His credentials and integrity are impeccable.

I question why anyone would want to second guess his efforts now after giving him such glowing reports in the beginning.

We've been here over 2 hours now and I don't want to repeat some of the questions that Members have said that we need to ask. I certainly want to be open-minded, but from everything I've seen so far, there is no evidence that anybody violated any law or any ethics guidelines. It sounds like there were some cases of bad judgment. But if bad judgment was a crime, I venture to say a number of U.S. Senators would probably be in jail. It sounds like there's confusion about the chain of events and it sounds like there's disagreement over what the ethics guidelines allow and what they do not.

We should look at those disagreements and make recommendations as to how the Administration could make those rules better. If we're really serious about finding the problems with the ethics rules here and with making recommendations, we should be out of here very quickly.

But you know, as I do, Mr. Chairman, there's blood in the water and we know what happens when there's blood in the water, and in this case Bill Clinton is paddling along there, trying to be the leader of the country, and certainly the First Lady is in there too. I don't doubt, in my mind, that if he were to step down tomorrow all of these accusations would miraculously disappear the day after.

There are some who say Whitewater is about the abuse of power. It may be in more than one way. Certainly what about the abuse of power in using television, radio, and the print media? It's kind of a bully pulpit, those who have sought simply to bring down a President. I think to use those media entities to discredit the President is also an abuse of power.

This hearing with all of the unfounded allegations parroted in the talk shows and newspaper articles, says more about what's wrong with politics than any real estate deal that went sour 16 years ago. And I fear this, if anything, is going to deepen the American people's distrust of Congress when they realize we're spending \$400,000 of their money with this hearing.

Many Americans think that these hearings are politically motivated. Silly Americans, I don't know how they can believe that about any U.S. Senator, but make no mistake about it, that is what many people do believe. The people in my State are, I think, more concerned about the wildfires that have been creeping up near their homes, about the tragedy in Rwanda, about what we're going to do with the Crime bill and the Health Care bill than they are

about this hearing. I'm hopeful we'll clear this issue up once and for all and get back to the work of the people that sent us here.

Thank you.

The CHAIRMAN. Senator Hatch.

OPENING STATEMENT OF SENATOR ORRIN G. HATCH

Senator HATCH. Thank you, Mr. Chairman.

Mr. Chairman, the Senate has named me as a Special Member of the Whitewater Committee for the express purpose of considering matters within the jurisdiction of the Committee on the Judiciary of which I am the Ranking Member. Consistent with this mandate, I intend to focus most of my inquiry on matters related to the Department of Justice's involvement in Whitewater.

Let me emphasize at the outset that the scope of these hearings has been very narrowly defined by the Majority side. We are permitted to explore only matters relating to the death of Vincent Foster or to communications between the White House and the Department of Treasury or the Resolution Trust Corporation that involve Whitewater or Madison Guaranty.

In other words, whole areas of inquiry such as how the Department of Justice handled the Madison Guaranty criminal referral from the RTC, that named President and Mrs. Clinton as potential beneficiaries of criminal misconduct, and whether there was any improper influence exercised by the White House or other Administration officials on DOJ's, Department of Justice's, handling of criminal referrals regarding Madison Guaranty and Whitewater may have to wait for another day to have a full airing.

Nevertheless, there are numerous Justice Department matters that bear directly on communications between the White House and the Treasury Department or the RTC with respect to Whitewater and Madison Guaranty. These matters include but are not limited to the following:

On March 23, 1993, shortly after Roger Altman had been informed of a pending Whitewater criminal referral that the RTC made to the Department of Justice, President Clinton took the extraordinary step of dismissing all sitting U.S. Attorneys, including the U.S. Attorney in Little Rock to whom the Whitewater criminal referral had already been sent.

I believe, and I believe history will show, that this was an unprecedented action, and I can remember being shocked at the time this happened because it did happen.

Again, in late September 1993, the RTC leaked to the White House the fact that the RTC was forwarding nine additional criminal referrals concerning Whitewater to the U.S. Attorney's Office in Little Rock.

A few weeks later, in late October, Paula Casey, President Clinton's appointee as U.S. Attorney in Little Rock and a former campaign worker of his, informed the RTC that her office would not prosecute the initial Whitewater criminal referral.

In early November, then-Associate Attorney General Webster Hubbell and Ms. Casey announced their recusal from participation in Whitewater matters.

Around early January 1994, according to an entry in Roger Altman's diary, the White House was trying to negotiate the scope

of its Independent Counsel with Attorney General—let me give you the quote according to the diary, the White House quote was:

Trying to negotiate the scope of its Independent Counsel with Attorney General Reno and was having enormous difficulty.

In February, facing a recusal decision by Mr. Altman, the White House was concerned that RTC attorney Ellen Kulka might be too “tough” in pursuing RTC’s civil claims related to Whitewater. In order to avoid this tough litigator, the White House considered whether it might be preferable to have Special Prosecutor Robert Fiske take over the RTC civil investigation.

In late February, White House officials, alarmed that the former U.S. Attorney, Jay Stephens, had been retained by the RTC to conduct its civil investigation of Whitewater, had a series of contacts with Treasury and RTC officials to see if he could be replaced. The facts refute the suggestion that these contacts can be dismissed as simply blowing off steam.

In short, these matters raise serious questions that demand full and honest answers. What relation, if any, exists between Ms. Casey’s nomination as U.S. Attorney in Little Rock and the White House’s knowledge that the RTC’s criminal referrals regarding Madison Guaranty would be sent to that office? Why did Ms. Casey not recuse herself from the outset from matters relating to Whitewater? Why were the RTC’s criminal referrals to the Justice Department leaked to the White House? Did the White House exert any influence to control the scope of authority to be given to the Special Prosecutor? Has the White House attempted to use the Special Prosecutor for its own ends? Overarching all of these questions, of course, is the question of whether Administration officials have been honest in informing Congress and the American people of what really happened.

Finally, let me just say—let me note it is not the role of the Committee to act as a rubber stamp for the Special Counsel or for Special Counsel Fiske’s conclusions. We have conducted our own investigation and, frankly, in a lot of respects, we have uncovered a lot more in 5 weeks than Special Counsel Fiske uncovered in 6 months. So let’s focus on the evidence before the Committee.

Now, finally, I would like to say this with regard to the Foster part of this. Pursuant to Resolution 229, this Committee was instructed by the Senate:

To conduct hearings into whether improper conduct occurred regarding the Park Police investigation into the death of Vincent Foster.

I know this has to be a terrible ordeal for the Foster family and my heart goes out to them. It is unfortunate that the tragic events of last summer must be the subject of conjecture. The Senate has instructed this Committee to review this matter, and I commend Senator Riegle and Senator D’Amato for their willingness to comply with the Senate’s instructions. This is a disagreeable facet of Washington life and I want to express my remorse to Mrs. Foster and the children and friends.

Accordingly, I want to be clear on one point. There is absolutely no credible evidence to contradict the Fiske Report’s conclusion that Vincent Foster took his own life and it happened at Fort Marcy Park. There is no credible evidence to the contrary. I suspect conspiracy theorists will always differ with this conclusion and lit-

tle this Committee does is going to muffle their speculation. Nonetheless, the Committee may ponder whether had Mr. Fiske been somewhat more assiduous in investigating the cause of Mr. Foster's depression, some of the added speculation we have witnessed in recent weeks would not have surfaced.

The conclusion of Mr. Fiske that there is no evidence involving issues of Whitewater were a factor in Mr. Foster's death is tenuous. The Majority's reluctance to fully examine this issue is unfortunate. But in all honesty, I just want to make it clear that the conclusion is correct.

Thanks, Mr. Chairman.

The CHAIRMAN. Senator Moseley-Braun.

OPENING STATEMENT OF SENATOR CAROL MOSELEY-BRAUN

Senator MOSELEY-BRAUN. Thank you, Mr. Chairman.

Mr. Chairman, under Senate Resolution 229, this Committee is directed to review whether improper conduct occurred regarding: One, communication between White House officials and RTC or Treasury officials regarding Whitewater or Madison Guaranty. Two, the Park Service Police investigation into the death of White House Deputy Counsel, Vincent Foster. Three, the way White House officials handled documents in Vincent Foster's office at the time of his death.

At the outset, let me say, Mr. Chairman, I would like to associate myself with the remarks of Senators Bennett and Boxer regarding the Vincent Foster issue. We are not conducting an investigation into a suicide. Our investigation is only into the propriety of the investigation surrounding his tragic and untimely death.

My condolences and sympathy also go out to his wife and family. This is no doubt a very painful time for them, and it's probably more painful to them that this matter has not yet been put to rest. However, we do have an obligation, nonetheless, to the public to ensure that no untoward or inappropriate activities occurred that would reflect on the remaining issues before this Committee. The first part of this hearing, I believe, will rightfully look into the process by which that investigation took place.

What this means, therefore, Mr. President, is that at least in part, we are still dealing with the legacy of the savings and loans crisis. I was not in the Senate in the 1980's as that crisis exploded onto the scene. Like every Illinoisan, and I imagine every person in the country, I watched it develop with horror. It made me and my service here determined everything I could to prevent anything similar from ever happening again and to see that everything possible was done to minimize the public cost of completing the resolution of the savings and loan debacle. That is why, along with Senator Murray and a number of others on this Committee, I joined in insisting that a final taxpayer payment to the Resolution Trust Corporation include a wide variety of management and other reforms designed to bring more order and discipline to the RTC and to improve its efficiency.

It is most important for us to protect the public interest in the final stages of the savings and loan issue and to ensure the integrity of the process in which that resolution occurs. Madison Guaranty is one of the thousands of savings and loan failures that

formed that crisis. It cost the taxpayers \$60 million to make good the Federal Government's deposit insurance obligation to the Madison depositors. That is a very large amount of money. It is, however, chilling for us to remember what the savings and loan crisis cost each American. The Madison failure alone represents less than $\frac{5}{100}$ of 1 percent of the \$125 billion we are spending to resolve the savings and loan failure debacle overall. Madison is not, of course, the only savings and loan worthy of the attention of this Committee. There are many billion dollars-plus failures that deserve and need our attention.

These hearings that are beginning today, however, involve only the Madison situation. The reason for that, Mr. Chairman, is all too obvious. It is because the President of the United States before he became President was involved in a real estate partnership with Madison's then CEO. The President was not a stockholder in Madison. He was not an officer of Madison. He was not a director of Madison, but he did have a tangential relationship to Madison. I believe that the media has done its job in bringing the President's connection to a failed savings and loan to the attention of the American public. The Special Counsel, the Resolution Trust Corporation, the Banking Committee of the House, and this Committee are now doing our jobs. We are all investigating matters that in some way relate to Madison or its fallout. These investigations are time-consuming and they are expensive. By the time all is said and done it is very possible that the Federal Government will windup spending as much money investigating Madison and the real estate partnership commonly known as Whitewater, as it cost the Federal Government to close Madison down in the first place. I support and appreciate the public demand for careful review of this issue, which is why I supported the appointment of Special Counsel.

Also, Mr. Chairman, at this point I'd like to congratulate you for the careful attention that you have given to this matter and the kind of thoroughness of your persistence in following this through. Given that the heart of the matter before the Special Counsel involves reviewing a time before the President took office, I think that the obligation of Congress now is to let the Special Counsel do his work. This Congress should, therefore, not hold hearings on matters which are the subject of open investigations by the Special Counsel. The judgment of the Senate, as expressed in S. Res. 229, is entirely correct.

In fact, I would make the point even more strongly. Congress must not take actions that can undermine the Special Counsel's ability to do his job. The subject matters before the Committee today, however, relate directly to the times since January 29, 1993, when Governor Clinton became President Clinton. They are clearly appropriate for Congressional hearings. They clearly relate to the performance of the President and of public officials of the White House, and of a number of governmental departments and agencies. This Committee will meet its responsibilities in these areas. The Committee has already conducted 37 depositions and reviewed over 10,000 pages of documents. I hope this Committee's hearings will meet the public's expectations for a fair and balanced review of the matters before us.

Essentially, Mr. Chairman, we have three levels of inquiry: The first, whether or not any laws were broken. The second, whether there were appropriate ethics policies and procedures in place, and were any of those policies or procedures violated. And third, putting everything else aside, in the opinion of the average common sense person, were these matters handled appropriately.

As to the first level of inquiry, we already know from the Committee's review so far—I'm sorry, Mr. Chairman. I will file the rest of my remark for the record.

I would just like to conclude by saying I was sitting here listening to my colleagues. I come from a State that had Paul Douglas as its U.S. Senator and I happen to sit at Paul Douglas' desk on the Floor. I pulled out his "Book of Ethics in Government," to review while I was sitting here. It is amazing to me, Mr. Chairman, how this book, written many years ago, has such relevance to the hearings before us. I think the most important point that Paul Douglas made is how important it is that we, who are in public life, have an obligation to give citizens a sense that their Government is an honest one, and that their Government officials are treated appropriately with the public trust. I believe that is what you are trying to do with these hearings. I am sure that is what all well-meaning Members of this Committee would like to do. I suggest that we move expeditiously but carefully to the conclusion of these hearings because we have yet to handle and address a number of huge issues before the Congress, not the least of which is Health Care. I'd like to get on with the business of the Committee and get this matter resolved.

Thank you.

The CHAIRMAN. Thank you, Senator Moseley-Braun.
Senator Murray.

OPENING STATEMENT OF SENATOR PATTY MURRAY

Senator MURRAY. Thank you, Mr. Chairman. It's not easy going last, but you know, I don't mind my seat on this Committee. I'm all the way down here by the people and I think it gives me a good perspective. As I went through all the depositions and documents, I kept asking myself a few questions in search for the answers. Did the White House or the Treasury Department try to obstruct justice? Did anyone in the Administration try to influence any criminal or civil investigations? Was there any improper conduct? Those are the questions that we all must focus on.

I am aware of the conclusions of the Fiske Report, and I have great faith in the integrity of his investigation. This Committee covers the same ground. We're going to hear reconstructions of conversations and thoughts. Some of them occurred a year ago. Some of them were no more than scribbles on a page or a casual chat. A few of them were fairly substantial meetings. All of them took place as this Administration and Congress were hammering out landmark legislation that really matters to the American people.

But again, as we hear the testimony before this Committee, I will be asking myself the ultimate questions. Was information misused? Were investigations hampered? Was justice obstructed? And again, I have great faith in the Fiske investigation and his report to us. I have spent an enormous amount of time on this issue, as

have all of my colleagues. It's made my long days longer and as I sit here down by the people and we begin the testimony today on the Vince Foster suicide, I have to wonder what kind of place is this, our Nation's capital?

I came to Washington, DC, the same time Vincent Foster came here, and I know now what he meant when he wrote "here ruining people is considered sport." I agree with my colleagues who have said the Foster family has endured enough. Mr. Chairman, these days, with the media frenzy over even the most minor incidents, I wonder who will follow us in public service. What kind of a lesson is this for our kids? Let us all remember what integrity really means. Let us all remember about personal responsibility, all of us, those at the witness table, those in the audience, those who are listening, and of course, those around this dais. All of us should keep in mind our own personal responsibility for words we say and actions we take during this hearing.

The stakes here are greater than an S&L in Arkansas. It is greater than this Administration or my tenure as a U.S. Senator. It is integrity and personal responsibility. And sometimes we lose that perspective and when we do, the victims are this great republic and the future leadership of this Nation.

It is my hope that this hearing will allow us to lay the facts on the table in a civil manner, to assess them rationally and determine their impact on the conduct of this Nation's business.

Thank you Mr. Chairman.

The CHAIRMAN. Thank you very much. Let me now call to the witness table Dr. Charles Hirsch, chief medical examiner of the city of New York; Mr. Larry Monroe, special agent of the Federal Bureau of Investigation; and Mr. William Colombell, who is a special agent of the Federal Bureau of Investigation.

Senator KERRY. Mr. Chairman, could I inquire, several Senators on the other side have said they are stipulating that Vince Foster committed suicide. I would like to know if, in effect, that is the position of the Minority as a whole and whether or not there is any inquiry here as to the question of the manner of death.

Senator D'AMATO. I'm not going to attempt to answer for the whole, but I will say I personally have no quarrel with the conclusions as it relates to the fact of a suicide and that it was committed at the location in the park. But I think there are legitimate questions as it relates to the manner in which the inquiry—

Senator KERRY. I totally understand, the reason I ask this is that in March, the Republican leader referred to the death as an alleged suicide. The Republican Whip on the House side was quoted a few days later as saying "there's a lot that's weird." A few days later, another Senator was quoted in the New York papers as saying "I don't know whether he committed suicide in some other place." A few days later, the House Ranking Member said it was his sense that Foster had Whitewater on his mind, directly contrary to findings—

Senator D'AMATO. That has not been brought up. No one has said that at this hearing—

Senator KERRY. All I'm trying to say, Senator, I'm just trying to say there is enough out there—I could run down a long list—

Senator D'AMATO. But no one at this hearing has said anything as it relates to stimulating this course of conversation. I have heard a number of Members allege that somehow it would convey the appearance if we are questioning the manner in which Mr. Foster died. I haven't heard any of that, and I've heard a number of my colleagues—nor did I even raise that in my opening statement, but I've heard a number of my colleagues say it is not their intention to go into that but rather the manner in which the investigation was conducted and whether or not there was inappropriate outside influence, by the White House, and so I—

Senator KERRY. I appreciate that enormously. The only reason I raise this is that this is the first occasion that we have been meeting—

The CHAIRMAN. Let's let Senator Kerry finish his point and then I'm going to regular order because—

Senator KERRY. The only reason I raise the question is that there has never been a repudiation of any of these prior statements.

The CHAIRMAN. Let the Chair say that we've been charged by the Senate. The resolution is very clear that we are to review this matter. We're going to do so. I feel that we can do this rather directly and I'm going to now ask the three witnesses at the table to raise your right hands.

STATEMENT OF DR. CHARLES HIRSCH, CHIEF MEDICAL EXAMINER OF THE CITY OF NEW YORK, NY; LARRY MONROE, SPECIAL AGENT OF THE FEDERAL BUREAU OF INVESTIGATION; WILLIAM COLOMBELL, SPECIAL AGENT OF THE FEDERAL BUREAU OF INVESTIGATION

Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

The WITNESSES. I do.

The CHAIRMAN. Very good. Be seated, please.

Senator DOMENICI. Mr. Chairman—

The CHAIRMAN. Mr. Domenici, I'll recognize you for a minute but I really want to get to the witnesses here.

Senator DOMENICI. Mr. Chairman, on a matter that Senator Boxer raised with reference to depression, I'm very fearful to even talk about it for fear that it will cause some kind of an anguish on the part of the family, but I want to associate myself with her remarks regarding the serious mental disease called depression. Hopefully nothing we do as part of these hearings or these investigations should further create the stigma that is already out there regarding this disease.

This is an illness that we're beginning to understand, and clearly, it would be terrible if these hearings were used to make that a more difficult situation for people. I thank you and Senator Boxer for your comments.

The CHAIRMAN. Thank you Senator Domenici.

Let me state for the record that after very thorough and independent examinations into Mr. Foster's death, the Office of the Independent Counsel, the Department of Justice, and the U.S. Park Police have all separately concluded that Mr. Foster's death was a suicide and I want to read the two-paragraph summary of Mr. Fiske's report into the record at this point.

On the afternoon of July 20, 1993, in Fort Marcy Park, Fairfax County, Virginia, Vincent Foster committed suicide. As discussed below, the evidence overwhelmingly supports this conclusion and there is no evidence to the contrary. This conclusion is endorsed by all participants in the investigation, including each member of the pathologist's panel we found no evidence that issues involving Whitewater, Madison Guaranty, CMS, or other personal legal matters of the President and Mrs. Clinton were factors in Mr. Foster's suicide. While Foster did confide to his family and friends in the weeks prior to his death, that certain matters were troubling him, we have learned of no instance in which Whitewater, Madison Guaranty, CMS, or other possible matters of the Clintons were mentioned. Moreover, in the spring and summer of 1993, Whitewater and Madison Guaranty related matters were not matters, issues of concern either within the White House or the press.

That is the full summary of conclusions of Mr. Fiske and his panel and I thought they ought to be in the record at this point.

Gentlemen, I understand that one of you has a statement to make at the outset. Mr. Monroe, you have a prepared statement so let us call on you first to make that comment and then when you've completed that, we'll go to questions by the Members.

Mr. Monroe.

Mr. MONROE. Thank you Mr. Chairman. Good afternoon, Senators. I am Special Agent Larry Monroe of the Federal Bureau of Investigation. In March of this year, I was assigned to the Office of the Independent Counsel headed by Robert Fiske, along with several other FBI agents, including special agent Bill Colombell, who is seated to my left. Our primary responsibility, at that time, was to investigate the circumstances surrounding the death of Deputy White House Counsel, Vincent W. Foster, Jr.

At the outset of the investigation, we knew that in the early evening of July 20, 1993, Mr. Foster's body was found in Fort Marcy Park in Fairfax County, Virginia. Our investigation sought to answer three questions about his death. First, did Mr. Foster commit suicide or was he murdered? Second, if the death was a suicide, did it occur in Fort Marcy Park or had the body been moved? And third, if Mr. Foster committed suicide, was it motivated in any way by concerns he may have had about legal issues related to the Clintons' involvement in the Whitewater Development Company or Madison Guaranty Savings & Loan?

We were instructed by Mr. Fiske and his legal staff to conduct a thorough and an aggressive investigation and to take all reasonable steps to resolve these questions. We are satisfied that we have done so.

During the course of our investigation, approximately 125 people were interviewed, including Mr. Foster's close friends, family, and the people that worked most closely with him at the White House. These people provided valuable insight into Mr. Foster's state of mind in the weeks prior to his death. We also interviewed everyone known to have been in Fort Marcy Park on the afternoon or evening of Mr. Foster's death, including a confidential witness who first found the body, members of the Fairfax County Fire and Rescue Department who responded to the park, the Park Police investigators who conducted the investigation in the park, and the Fairfax County medical examiner who was present in the park.

We also interviewed Dr. James Beyer who conducted the autopsy on Mr. Foster. In addition to these and other interviews, we analyzed physical and photographic evidence, as well as documentary evidence obtained from a number of sources, including the White

House. Experienced FBI laboratory technicians in the FBI laboratory here in Washington performed extensive analysis of the physical evidence identified in this case, including the gun found in Mr. Foster's hand, his clothing, and a blood sample taken at the time of the autopsy. In addition, the FBI lab performed extensive analysis of the Park Police photographs taken of Mr. Foster's body in Fort Marcy Park and during the autopsy. The lab results are contained in reports attached to the Independent Counsel's report issued on June 30, 1994.

A four-member panel of experienced and respected forensic pathologists reviewed the results of our investigation. One member of this panel is Dr. Charles Hirsch, who is seated to my immediate right. Dr. Hirsch is the chief medical examiner for the city of New York and chairman of the Department of Forensic Medicine at New York University Medical School.

Also joining Dr. Hirsch on the panel were Dr. James Luke who is a forensic pathology consultant at the FBI Academy and a project director of the Armed Forces Institute of Pathology. Dr. Donald Ray, who since 1975, has served as the chief medical examiner for King County, Seattle, Washington and who was a professor of pathology at the University of Washington. And Dr. Charles Stahl, who is a distinguished scientist and armed forces medical examiner at the Armed Forces Institute of Pathology.

All of the participants in this investigation—the attorneys, myself, my fellow FBI agents, and the pathologists I have just mentioned—join in the conclusion that on the afternoon of July 20, 1993, in Fort Marcy Park, Virginia, Mr. Foster committed suicide by firing a bullet from a .38 caliber revolver into his mouth. We firmly believe that the evidence compiled during this investigation should dispense of all other theories or speculations about his tragic death.

First, there can be no question that Vincent Foster committed suicide. Interviews with Mrs. Foster and other family members revealed that Mr. Foster was deeply depressed in the weeks prior to his death. Those close to him told us that in those final weeks he had lost considerable weight and was having trouble sleeping. He appeared exhausted most of the time and he began to take on a drawn and gray appearance. Family and friends stated that he appeared distracted and worried most of the time and that he became quite subdued. Coworkers, including former White House Counsel, Bernard Nussbaum, noted that his productivity at the White House began to decline.

We learned that Mr. Foster was deeply disturbed by the fallout from the travel office matter over which the Counsel's Office was harshly criticized in the press. We also know that he was distressed about the criticism that he received in a series of editorials that appeared in *The Wall Street Journal*.

At one point he told family members and a close friend that he was considering resigning his position. His wife and sister believe that he did not do so because he would have felt humiliated had he returned to Arkansas under those circumstances. On Friday, July 16, 4 days before he committed suicide, he told his sister that he was battling depression. His sister provided him with the names of three psychiatrists and encouraged him to contact one of them.

Telephone records reveal that in the early afternoon of July 16, Mr. Foster, as previously mentioned, did attempt to reach out for help by twice attempting to contact one of the psychiatrists but was unsuccessful. The list of psychiatrists was found in Mr. Foster's wallet after his death.

On Monday, July 19, a day before his death, he contacted his physician in Arkansas and informed him of his depression. The physician prescribed him with an antidepressant called Trazodone and on the evening of July 19, he took one of these pills. The FBI laboratory found a trace of the Trazodone in blood taken from him at the time of the autopsy.

Aside from this evidence that Mr. Foster was depressed, the conclusion that he committed suicide is compelled by forensic evidence collected during this investigation. The expert pathologists found this evident, and I quote:

Typical and characteristic of such findings in death due to intentional, self-inflicted gunshot wounds.

In describing this evidence to you, I am relying on a report issued by these pathologists which is also attached as an exhibit to the report issued by the Independent Counsel's Office on June 30, 1994. The pathologists conclude that the nature of the injury could only have resulted from a gun having been fired inside of Mr. Foster's mouth. This was confirmed by an examination of microscopic slides taken during the autopsy which revealed a large quantity of gunpowder on the soft pallet tissue inside of his mouth. This indicates that the barrel of the weapon was essentially in contact with the soft pallet when fired.

The pathologists' panel further concluded that this gun was not forced into his mouth but voluntarily placed there by Mr. Foster. Scene and autopsy photographs reveal no signs of struggle, no broken teeth, no ripped clothing. Given Mr. Foster's size, it is highly unlikely that someone could have forced a gun into his mouth without some detectable injury. There was also no evidence in his blood that he had been drugged or that he had consumed alcohol. The physical evidence further reveals that Mr. Foster pulled the trigger. For an example, an autopsy photograph depicts a mark on his right thumb consistent with the rebound of the trigger of the gun found in his hand after firing. Moreover, the photographs reveal the presence of gunpowder on a portion of his right index finger indicating that his hand was in the vicinity of the cylinder of the gun when it was fired. This evidence leads to the inescapable conclusion that Mr. Foster committed suicide.

The physical evidence makes it equally clear that the suicide occurred right where the body was found on the slope of the berm located in Fort Marcy Park. The photographs taken of his body in the park show modest amounts of blood on his face and clothing. The blood visible on his clothing was limited to a small area on the right shoulder of his shirt which is consistent with Mr. Foster having committed suicide where the body was found. The pathologists who reviewed this evidence concluded that if the body had been moved, there would have undoubtedly been substantially greater amounts of blood on his skin and clothing than what is depicted in the photographs.

Once the body was taken out of the park and brought to the morgue, substantial blood loss did occur. When Dr. Beyer received the body to conduct the autopsy, Mr. Foster's shirt was saturated in blood and his face also had considerably more blood on it than what is depicted on the photographs taken in the park. Had the body been moved to Fort Marcy Park after his death, the Park Police would have found Mr. Foster's body and clothing far more bloody than they were at the scene.

Simply stated, Senators, the photographs taken by the Park Police and reviewed by our panel of expert pathologists leave no doubt that the body had not been moved.

After concluding that Mr. Foster's death was a result of a suicide in Fort Marcy Park, our final task was to determine whether there was any evidence to connect any Whitewater related issue to his suicide. We have found no such evidence.

Those who worked in the White House, during the first half of 1993, have all stated that Whitewater was not an issue of any significance within the White House during that period. The issue had received virtually no attention in the press since the spring of 1992 during the Presidential campaign.

As one person put it, Whitewater was not "on the screen" at the time of Mr. Vince Foster's death. It was not until October, 1993, 3 months after Mr. Foster's death, when it was disclosed that the Resolution Trust Corporation had issued criminal referrals involving Madison Guaranty and Whitewater that the matter again received prominent public attention.

Therefore, the timing of Mr. Foster's death does not suggest that Whitewater was a cause of any distress for him. Each of Mr. Foster's coworkers, friends, and family whom we questioned stated that Mr. Foster never expressed any concern to them about Whitewater related issues. Obviously, the fact that Mr. Foster never expressed a concern about Whitewater to anyone does not mean that he did not, in fact, have such a concern. Thus we cannot conclusively rule out such a concern as a possible contributing factor to his depression.

What we can conclude is that there is no evidence that he did have such a concern against a background in which Whitewater issues were neither a matter of express concern in the White House nor the subject of media attention.

Senators that is a summary of the conclusions reached during our investigation. I, Agent Colombell, and Dr. Hirsch will do our best to answer all of your questions. However, please understand that there were many participants in this investigation. There may be aspects of the investigation you are interested in that we are not qualified to address. In that case, we would respectfully suggest that we be permitted to consult with the appropriate people following the hearing today and submit our answers in writing.

In conclusion, I would like to state on behalf of the entire investigative team represented here on this panel, that it has been a privilege to have served under Mr. Fiske during these past months. He and his legal staff have repeatedly emphasized that we should leave no stone unturned in order to find the truth. We believe we have done that.

Thank you, sir.

The CHAIRMAN. Thank you very much, Mr. Monroe and thank you for your professionalism and your hard work in what is obviously a very difficult assignment.

Dr. Hirsch, let me ask you, is it your professional opinion that Mr. Foster's death was a suicide?

Dr. HIRSCH. Yes, sir, absolutely.

The CHAIRMAN. And Mr. Colombell, you participated with Mr. Monroe. I take it you associate yourself with his remarks and it's your professional opinion as well that this was a suicide?

Mr. COLOMBELL. I do, Senator.

The CHAIRMAN. Now, I'm going to reserve the balance of my time and we're going to a 7-minute question period here. Is there anybody on my side at this point that would wish to raise a question or make a point in the time I have remaining before I yield.

Senator BOXER. I have 1 minute of questions.

The CHAIRMAN. I yield 1 minute of my time to Senator Boxer.

Senator BOXER. Yes, I would just like to state that Senator Hatch made a comment and I wish he was here. I think if anyone disagrees with the way I remember his point, he said that in his mind there was no question, after reading the report, that this was a suicide but that he said he didn't think that the Special Counsel did an assiduous enough job regarding the connection between the suicide and Whitewater.

So I'd like to ask you one more time, Mr. Monroe, because as I understand it, you were the one who developed the state of mind evidence or you were one of the people. If you believe you did an assiduous enough job and you believe that there was no such connection other than something in his mind that you had no way of knowing?

Mr. MONROE. That's a two-part question. First of all, I am prepared to list in detail the manifestation of Vincent Foster's depression, and I can do that and I'd be glad to do so, Ma'am.

The point about the Whitewater, I think, needs to be clarified, and I'd like to clarify that in two ways, Senator. We did not report that Whitewater played no role in Mr. Foster's suicide. We did report that based on all of our interviews that Mr. Foster never expressed a concern regarding this matter, and therefore, we have no evidence to this effect. I know, while I might be repeating myself, we cannot conclusively rule out such a concern as a possible contributing factor to his illness.

And while I'm repeating myself again, that although Whitewater today is of an intense media interest, at the particular time Mr. Foster was going through this depression, the spring and summer of 1993, it was not a media interest and was not according to our investigation, an interest of White House officials.

Senator BOXER. But my question was simply do you feel you did a thorough enough investigation of this connection, of this possible connection?

Mr. MONROE. Yes, ma'am.

Senator BOXER. Or do you think you need to do more of an investigation?

Mr. MONROE. No. I believe that we've done a thorough investigation.

Senator BOXER. Thank you. That's my question.

The CHAIRMAN. Senator D'Amato.

Senator D'AMATO. Mr. Monroe, on the day that Vince Foster took his own life, a search warrant obtained for David Hale's office in Arkansas, I believe, was issued; is that correct?

Mr. MONROE. That's correct.

Senator D'AMATO. Do you know when the paperwork for that search warrant was undertaken and how long it took? Did you interview people in the U.S. Attorney's Office to ascertain how long that took?

Mr. MONROE. I'm not familiar with exactly how long it took, Senator.

Senator D'AMATO. Did you interview people down there to see if there was any leak as it relates to that information being put out?

Mr. MONROE. I don't recall, Senator, how many people we interviewed but we uncovered no evidence to the effect that Mr. Foster was aware of the issuance of that particular search warrant.

Senator D'AMATO. Mr. Hale's attorney called the White House or called Mr. Foster. There was some talk about that. If you have any information, I'd like to know about it.

Mr. MONROE. I do not, Senator.

Senator D'AMATO. Has that been looked into?

Mr. MONROE. Yes, sir.

Senator D'AMATO. And we have no information with regard to that call from Mr. Hale's attorney?

Mr. MONROE. I have no information in our investigation that there was any contact between Mr. Hale and Mr. Foster, Senator.

Senator D'AMATO. Let me ask this: There's a question about the manner——

Mr. MONROE. Senator, excuse me. There were two parts to that. Of course, the search warrant was issued, as you know, sir, on July 20, but the warrant was not effected until July 21, which would have been the day after his death, sir.

Senator D'AMATO. The question is would that have come to anybody's knowledge? Did he get a phone call from Mr. Hale's lawyer? I don't know. Did the FBI ever attempt——

The CHAIRMAN. Do you want to answer that question?

Mr. MONROE. Yes, I would, Senator. We have no information or evidence that Mr. Foster received any telephone call——

Senator D'AMATO. Did any White House personnel get a phone call from Mr. Hale's lawyer.

Mr. MONROE. I'm not aware of that, sir, but, of course, we are still continuing the investigation as to the follow-up in the White House after Mr. Foster's death, sir.

Senator D'AMATO. You'll let us know, then?

Mr. MONROE. Absolutely.

Senator D'AMATO. I'll leave that an open question.

Did the FBI ever attempt to determine what time Mr. Foster departed the White House and do we know if the Secret Service keeps a vehicle exit log?

Mr. MONROE. Sir, all of our information right now suggests that Mr. Foster departed the White House on July 20 at approximately 1 p.m. Whether or not that departure time was based on interviews or a log by the Secret Service, I am not aware of that, sir, but we know that he left about that time.

Senator D'AMATO. Would you be able—I mean, this investigation, as it relates to the circumstances surrounding Mr. Foster's death, wouldn't you look at the vehicle departure log to determine what time he may have left? Is that a routine thing?

Mr. COLOMBELL. Senator, I don't believe the vehicle was logged out of the White House. I don't believe it was parked in an area where it would have been logged out of the White House. We confirmed that he left around 1 to 1:15 p.m. I can assure you that I personally and a number of other agents made every effort to try to determine his activities after that point in time up, until the point in time that his body was discovered at Fort Marcy Park.

We were unable to do that. We had witnesses who possibly might have placed him at the park at an earlier time. But because of the passage of time, we could not confirm through interview of those witnesses that that was, in fact, Mr. Foster's car that was observed going into the park at an earlier point in the day.

The CHAIRMAN. Could you pull the mike a little closer for any further responses. Thank you.

Mr. COLOMBELL. Certainly, Senator.

Senator D'AMATO. Although it's not mentioned in the report of the Independent Counsel, a pager was found on Mr. Foster in Fort Marcy Park. The record also shows that the Secret Service arranged to remove the pager from the Park Police custody the night of Foster's death before any analysis of the pager could be done by Park Police investigators to see whether any numbers were retained in the pager's memory.

Do you know why the pager was recovered so quickly by the White House after the death of Mr. Foster? Could the pager have contained some numbers called in previously? Did you learn if usual Park—was this the usual Park Police—procedures were followed or were they circumvented?

Mr. COLOMBELL. Our investigation confirmed that there had been pages that went out to Mr. Foster from staff members of the White House, and I stand corrected, but I believe it was either Mr. Nussbaum or members of his office that might have attempted to page him. I would like to—rather than provide information that I'm not absolutely sure of—provide the Committee with a supplemental follow-up on information that might be pertinent with regard to that question, Senator.

Senator D'AMATO. Why don't I give you these questions in writing and then if you could ascertain where that pager went, how it went, under whose direction, what took place to it, was there a check made for numbers. Did it go to White House personnel? How come it was removed from the body? Is that usual procedure?

Mr. COLOMBELL. I think that's a question, if you're saying is that usual U.S. Park Police procedure, I would respectfully submit that you ask the Park Police that question. It is my understanding that the pager was returned by the Park Police. And as I mentioned, I would prefer to be able to provide a more complete response in writing if I could, sir.

Senator D'AMATO. Fine. All right, Mr. Chairman.

The CHAIRMAN. Thank you, Senator D'Amato.

Does anyone on our side seek recognition at this point?

Senator Sarbanes.

Senator SARBANES. Thank you very much, Mr. Chairman.

Mr. Monroe, you were asked about logging a vehicle out of the White House—this was not a White House vehicle or White House car or anything, it was Mr. Foster's own car.

Mr. MONROE. It was his personal 1993 Honda that was used, his personal vehicle.

Senator SARBANES. That's the car he commuted to work with and then he left and went out this afternoon in that car?

Mr. MONROE. That's correct, sir.

Senator SARBANES. And I wanted to clarify one thing about the pager, Mr. Colombell, which is I think you indicated had a message or two from Nussbaum or someone in his office on it; is that—I mean, an effort to reach him; is that correct?

Mr. COLOMBELL. That, I believe, is correct.

Senator SARBANES. Now, Foster was Deputy Counsel to Nussbaum; is that correct?

Mr. COLOMBELL. That is correct, Senator.

Senator SARBANES. In other words, he worked in that office?

Mr. COLOMBELL. That is correct, he worked next door.

Senator SARBANES. Dr. Hirsch, I'd like to ask you if you could just briefly give the Committee your background and experience in working these kinds of issues.

Dr. HIRSCH. How about my current position, sir? Do you want me to review my entire curriculum vitae?

Senator SARBANES. I'm sure that's very lengthy. Why don't you give enough of it so that we can qualify you as an expert here today.

Dr. HIRSCH. I've been a practicing full-time career forensic pathologist since I was honorably discharged from the U.S. Air Force in 1969. Since then, I've worked in my capacity as a forensic pathologist for 10 years at the coroner's office in Cleveland, Ohio, 5½ years at the coroner's office in Cincinnati, Ohio.

I served 4 years as the chief medical examiner of Suffolk County, New York, which is the eastern two-thirds of Long Island. And for the last 5½ years I've been the chief medical examiner of the city of New York.

Senator SARBANES. Chairman Riegle asked you your view on whether the Vincent Foster death was suicide and my recollection is you said yes, absolutely; is that correct?

Dr. HIRSCH. Yes, sir.

Senator SARBANES. Now, you served on a panel, you were one of a four-member panel that examined this matter; is that correct?

Dr. HIRSCH. Yes, sir.

Senator SARBANES. Are you in a position to tell us whether the other members of the panel agree with you in that judgment—is their judgment the same as yours on this matter?

Dr. HIRSCH. Absolutely.

Senator SARBANES. All four of you?

Dr. HIRSCH. All four of us unanimous without objection.

Senator SARBANES. Mr. Monroe, are you familiar with the other scenarios or theories that are being advanced with respect to the Foster death?

Mr. MONROE. Somewhat familiar, Senator. There have been a host of them.

Senator SARBANES. I take it in preparing the report, you examine them; is that correct, or at least some of the assertions that were being made? I mean, there have been some very far-out assertions made in this matter.

Mr. MONROE. That is correct, Senator.

Senator SARBANES. Did you find any credible basis for those assertions? They're really directly contrary to the conclusions you've reached. You've reached a conclusion, and we understand how firm you are about it. I'm just curious as to whether you think these alternative scenarios have any credible bases to them. Thank you.

The CHAIRMAN. Senator Bond.

Senator BOND. Thank you, Mr. Chairman.

Mr. Monroe, I am concerned about the basis for the conclusion in the Independent Counsel's report that the Whitewater/Madison issues were neither a matter of express concern in the White House nor that Mr. Foster did not have a concern about Whitewater. Were you the one who conducted the interview of Assistant U.S. Attorney, Fletcher Jackson, in Little Rock?

Mr. MONROE. I was not.

Senator BOND. Who did?

Mr. MONROE. The location? Where was that, sir?

Senator BOND. Who did the interview of the Assistant U.S. Attorney, Fletcher Jackson?

Mr. MONROE. I'm not aware of that.

Senator BOND. Was it under your direction?

Mr. MONROE. No, it was not, sir.

Senator BOND. Could you find out for us who did conduct that interview?

Mr. MONROE. Yes, sir.

Senator BOND. Mr. Chairman, we have a Federal Bureau of Investigation report on the inquiries made of Fletcher Jackson, Assistant U.S. Attorney. In there, he stated that he did not remember exactly what day the search warrant for Mr. Hale's Little Rock office was signed. He knew several people who were aware of it, including the judge, the judge's secretary, an acting U.S. Attorney, and maybe some other FBI personnel would know about it.

Now, to your knowledge, Mr. Monroe, were other individuals interviewed at the U.S. Attorney's Office? If so, who?

Mr. MONROE. What I know about that aspect of the case, Senator, was that everyone who had knowledge of the particular issuance of that search warrant were interviewed to determine whether or not that information got out and our investigation shows that that information was not given out specifically to Mr. Foster. I do not have, Senator, at my disposal right now, the identity of all of those individuals that were interviewed but we'd be obviously glad to supply that for you, sir.

Senator BOND. Mr. Chairman, the only FBI interview report that we have received is one related to Mr. Fletcher Jackson. I would like to make that a part of the record. At this point, I would ask were there other reports on other interviews made of personnel in the U.S. Attorney's Office?

Mr. MONROE. I'm not aware of that, sir.

Senator BOND. If you have those, we would appreciate receiving those.

Mr. MONROE. Yes, sir.

Senator BOND. I would note also—

Mr. COLOMBELL. I have traveled to Little Rock in connection with the death investigation of Mr. Foster. I think perhaps it would clarify things if it was noted that the investigative staff here in Washington, had as our primary concern with regard to this hearing today our investigation in Washington, DC. But in traveling to Little Rock, I did have an interest in whether or not there was any leak of that search warrant, if that would have been a factor in Mr. Foster's death.

A supervisor down there, the agent supervisor, and I had occasion to spend some time together and he discussed that he investigated and the agents that are working with him had the responsibility for that—to look into that, and he assured me that they could find no reason to believe that there was information leaked with regard to the search warrant.

Senator BOND. Can you say specifically whether he interviewed other members of the U.S. Attorney's Office?

Mr. COLOMBELL. No, I cannot.

Senator BOND. Mr. Chairman, I believe we need to have that information because, as the Chairman and Ranking Member will recall, in the information supplied to us, the Independent Counsel's only evidence appears to be this one interview of Fletcher Jackson in which the date was uncertain and in which he further stated that it was possible that someone could have made a telephone call. We requested and the Chairman and the Ranking Member approved a request to conduct telephone depositions with employees of the Little Rock U.S. Attorney's Office. The Department of Justice concurred. Arrangements were made, and the Department of Justice sent a representative to Little Rock.

Depositions were scheduled for Tuesday, July 26, 1994, to conduct simple telephone interviews of members of the U.S. Attorney's Office. We had been advised in preparation that one of the witnesses said there was a reporter from The New York Times who said he had a source in the Little Rock U.S. Attorney's Office. We wanted to inquire whether any of these people might have been contacted or might have had knowledge of that.

When we were notified at the last moment—after the court reporter had been sent to the office, after the representative of the Department of Justice had been sent there—that there was some problem. There was a delay. All of a sudden, the depositions were beyond the scope of the Senate hearings. The depositions were not allowed to go forward and finally at 3:45 p.m., on Tuesday afternoon, Minority Counsel was informed that the depositions could not be taken.

Mr. Chairman, this raises questions as to why the depositions were not allowed, after you and the Ranking Member had agreed we should be able to take these depositions by telephone, and the Department of Justice had concurred and sent a representative to Little Rock and even arranged for a court reporter. I will provide a full account of this incident, because in the investigation of this matter we continue to run into areas where all of a sudden normal investigative channels are precluded. We're very much concerned as to why these telephone depositions could not go forward. I would

urge you, as part of your investigative responsibility, to pursue questions as to what people in the U.S. Attorney's Office might have known and who might they have contacted. I have other questions, but Mr. Chairman, I will submit this interview with Mr. Fletcher Jackson for the record.

The CHAIRMAN. Without objection, we will make it part of the record.

Mr. MONROE. Can I respond to the Senator?

While I'm not aware of the problems you've described of the telephone deposition, let me assure you, sir, that we will supply to you the interviews of all the people that were contacted relative to the issuance of that search warrant, sir.

Senator BOND. I appreciate that, Mr. Chairman. And my own great concern is—if it was a normal course of interviews, why our interviews scheduled for Tuesday were not permitted to go forward.

The CHAIRMAN. Let me examine that question, but in response to the earlier question you've raised as to the assurance you've asked for from these other individuals that there was no leakage of this information Mr. Monroe has offered to nail that down, as I understand it, and so that will be done.

Mr. MONROE. That's correct, Senator.

The CHAIRMAN. As you sit here today, having reviewed this previous load, your testimony is that you found no evidence, you and Mr. Colombell found no evidence, whatsoever that this information did get out?

Mr. MONROE. That's correct.

The CHAIRMAN. That's where it stands today and you're going to go ahead and answer those questions that Senator Bond has just posed in that area.

Mr. MONROE. That's correct, Senator.

Senator BOND. Mr. Chairman, just to be clear, this interview with Fletcher Jackson is the only interview that has come to Mr. Monroe's attention. Thus, is this the only interview that was submitted to the Independent Counsel's Office in preparation of the report?

Mr. MONROE. No, sir, there are other interviews. I just don't know how many or who they are, pertaining to this particular matter.

Senator BOND. To the U.S. Attorney's Office?

Mr. MONROE. I'm not sure.

Senator BOND. There are other interviews, yes. We have other interviews of Mr. Buck, Mr. Rather, Mr. Lyons, but are there other interviews that you have?

Mr. MONROE. I'm not familiar with exactly who was interviewed relative to this issue as to whether there were other people in the U.S. Attorney's Office. But we can make available to you all of the people who were contacted or interviewed regarding this matter, Senator.

Senator BOND. Would you have not submitted to us other interviews of the U.S. Attorney's Office if they were in your possession?

Mr. MONROE. I guess they should have been, Senator. I'm not aware of that aspect of the investigation.

Senator BOND. Mr. Chairman, that's my problem.

Mr. COLOMBELL. Senator, I'm sorry we don't have the information you wanted. We met with the staff of the Committee yesterday to discuss possible areas and the focus of this hearing. We did not think that was going to be one of the areas. Had we known so, we could have possibly made an effort to have that information for you, but we will have that information for you, I will assure.

Senator BOND. Mr. Chairman, I'd say that's fair because we have just found out who these gentlemen are. I did not have the information, until you told us, as to what Mr. Monroe's responsibilities were. Obviously we have more work to do.

The CHAIRMAN. I think the witnesses' answers are responsive and they have said that they'll go back and provide that information. If they had known about it before right now they would have had it prepared for you now, so I think we have to leave it at that.

Senator BOND. One final thing. Our staff asked that you bring all the information that you had on this matter. You did not withhold anything in your possession that relates to this inquiry; is that fair?

Mr. MONROE. Absolutely not, Senator.

Senator SARBANES. Mr. Chairman, could I make an inquiry?

The CHAIRMAN. Yes.

Senator SARBANES. Does the Committee have other FBI reports of interviews that were done in Little Rock with respect to this matter?

Senator BOND. Yes. Brantley Buck was interviewed in Little Rock.

The CHAIRMAN. Is there anyone on this side who seeks recognition?

Senator Dodd.

Senator DODD. Dr. Hirsch, you have been a pathologist since 1969; is that correct?

Dr. HIRSCH. Longer than that. I've been a full-time career forensic pathologist since 1969.

Senator DODD. It's fair to say you've been involved in literally hundreds of cases involving homicides?

Dr. HIRSCH. Thousands.

Senator DODD. Thousands.

And Mr. Monroe and Mr. Colombell, how long have you been with the agency, the Bureau?

Mr. MONROE. I've been with the Bureau about 29 years.

Mr. COLOMBELL. I've been an agent 30 years.

Senator DODD. Is it fair to assume you've been involved in hundreds, if not thousands, of investigations?

Mr. MONROE. Mr. Colombell more than myself, but those rough figures are probably in the ballpark, sir.

Senator DODD. It's your conclusion, as has been stated, that Mr. Foster committed suicide. There's no doubt in any of your minds about that?

Mr. MONROE. No doubt.

Mr. COLOMBELL. No doubt at all.

Senator DODD. While I understand there may be—and I presume this is true in any investigation—things that could have been done a bit better with 20/20 hindsight, but in your professional capac-

ities, I want to use the word "significant"—were there any "significant" irregularities in the Park Service Police's investigation?

Mr. MONROE. Your question, Senator, had to do with the Park Police and the response that I have to that is we do not know of any significant irregularities.

Senator DODD. Mr. Colombell?

Mr. COLOMBELL. Senator, I do not know of any.

Senator DODD. Dr. Hirsch, in your examination of the Park Service's handling of this matter, did you encounter any significant irregularities in how they conducted their work?

Dr. HIRSCH. The objective evidence, photographic evidence, principally provided to me, which is the work product of the Park Police, was adequate to give me an opportunity to form an independent opinion and make an independent evaluation about the observations at the scene of Mr. Foster's death. From that standpoint, their work was adequate. Could it have been better? Of course. My work can be better, too, but the objective documentation, which is the important thing to me, I just don't have to take somebody else's word for it is there and it unequivocally establishes very important features about the investigation of Mr. Foster's death.

Senator DODD. You said, Mr. Monroe, in your testimony that you questioned approximately 125 people including friends, family, and White House colleagues and there was documentary photographic evidence as well as the autopsy report; analyzed blood, DNA, fingerprints, handwriting tests were performed, and a forensic pathology panel was convened. The second question I have, has to do with whether or not, in your views, those of you who looked at this, was there any correlation between Mr. Foster's tragic suicide and Whitewater?

Mr. MONROE. As I said before, Senator, we cannot conclusively rule out that Whitewater could have played some role. What we can say right now is that we uncovered no evidence that during this period of time that Mr. Foster raised any concern regarding that particular issue.

Senator DODD. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Dodd.

Senator Gramm.

Senator GRAMM. Mr. Chairman, let me first thank our witnesses. You guys have a very tough job. I'm glad you do it and it's obvious to me you do it well and I think the whole country is the beneficiary. I think the subject matter you're covering is one that we are all confident that basically a good job was done in.

Mr. Chairman, I just want to take my time to respond to several comments that were made earlier about why are we here, why are we on this subject, and what is wrong with this process that we're talking about the death of a human being in very tragic circumstances.

I would like to remind my colleagues that we are here as a result of a resolution by Senator Mitchell that every Member of the Republican Party in the Senate voted against. We're here as a result of the scoping of this hearing in such a way that this is one of only three areas that we're allowed to look at. It is not an area that I am the least bit interested in.

Now, I want to ask the next panel at some point, or I'm confident my colleagues who are more confident than I am will do it, I want to ask them whether or not they were interfered with in their investigation. That's the only relevant point, it seems to me in this whole subject matter, that we ought to be looking at.

Second, I'd like to say that I'm not aware that our side of the aisle had anything to do with establishing what was going to come first. I think people could argue on the other side of the Capitol that the decision to bring the White House Counsel, who was not even on the scene when most of these things that we're supposed to be looking at occurred, to testify first, at least started the hearing with a very high degree of boredom and perhaps that was the objective.

I don't think that was the case here, but the point I want to make is we're not on this subject because anybody on this side of the aisle said we should be on this subject. We're on this subject because it is one of three areas we're limited to by a resolution that no one on this side of the aisle voted for and I'm not aware that anybody on this side of the aisle said, let's talk about this subject matter first. I think it is clear from the opening statements that were made that this is not an area of any real interest to this Committee. And I certainly am sensitive, as my colleagues on the other side of the aisle and some on this side of the aisle have expressed, to the sensitivity of this issue for the human beings that were involved.

I just thought, Mr. Chairman, it was important to make this point.

The CHAIRMAN. Senator Sasser.

Senator SASSER. Mr. Chairman, I think the original D'Amato amendment, number 1775, states on page 2 the Park Police investigation into the death of Vince Foster. Now, perhaps our friends on the other side of the aisle didn't vote for this particular resolution under which this Committee is being guided today, but to say that our friends on the other side of the aisle did not want to look into the death of Vince Foster simply because they did not vote for the Majority Leader's resolution, I think is a misleading statement because clearly in Senator D'Amato's resolution, he's looking into the Park Police investigation into the death of Vince Foster. Now, that's a matter of record.

Senator GRAMM. Mr. Chairman, if I can respond—and I'll be very brief—the point is that the D'Amato resolution led us into the whole Whitewater/Madison area. It covered the whole waterfront, and were we operating under that resolution, we would be able to get into a wider variety of things that are of interest to us—

Senator SASSER. But, Mr. Chairman, the point is were we operating under that resolution, we'd have the Park Police here today and these gentlemen here looking into Vince Foster—the circumstances surrounding his death. Whereas—

Senator GRAMM. We might or we might not, Mr. Chairman. We're limited now to only three areas. My point is that our Democratic colleagues who are asking what we are doing here, what a terrible thing it is that the resolution limits us to three areas, were the Majority that made the decision as to where we started this hearing process. That's my point.

The CHAIRMAN. Let me just add a bit of clarification here, and then I want to move along, because I want our witnesses to be able to respond to questions. The understanding between the two leaders was that the various elements of this whole subject would be dealt with in the order in which Mr. Fiske finished his work, and he had undertaken that issue, and the other two issues in our charter here now and he anticipated being finished with those. And so we were tracking behind him in a way to review without interfering with that work. The simple fact is—and we have not stressed this today—that as Mr. Fiske completes other aspects of his work in the future, Senator Mitchell has made it very clear in his statements that there will be additional efforts that will go on at a later time to answer other questions that may arise outside the scope of this resolution.

So it should be clearly understood that this is, as I understand it, the first phase of an examination of these issues, that is done in a way as not to interfere with Mr. Fiske's work. That's why one of the three issues we were given to look at, we've had to put aside temporarily because Mr. Fiske found out that he wasn't going to be finished on time, so we've respected that fact.

Senator D'AMATO. Mr. Chairman, if I might. In the spirit of not coming so far that we all look silly, I think the response—and rightfully so—from some of the Members on our side was aimed at answering, at least, an innuendo that somehow this side was responsible for dredging up and dragging up this horrible situation that we were going to call upon the family. It's not our intent. We're all bound by the resolution. There's no one here in particular who said we have to start this first. The question is whether or not ordinary procedures were followed. I think that's where most of us were going, whether there were standard procedures that were interfered with. I know that that's where a number of our Members are going, and I think that's important, but I think it pales in comparison to the other areas that all of my colleagues on both sides have addressed. I don't think we do ourselves any good by going over and trying to say one side is ghoulish and the other side isn't. That's not the case.

The CHAIRMAN. May I ask for guidance, Members who are here on both sides, how many desire to pose questions to this panel? I just want—Senator Kerry, Senator Campbell, and Senator Moseley-Braun does. On this side, Senator Bond has had a first turn, wants a second turn, Senator Mack, Senator Faircloth, and Senator Domenici.

Senator BENNETT. I might.

The CHAIRMAN. All right.

Senator Mack.

Senator MACK. Thank you, Mr. Chairman.

I want to direct my first question to Mr. Monroe, and it has to do with the issue of the pager and the telephone calls. I want to understand how you know that someone, either Mr. Nussbaum or someone in his office, attempted to page or to call Vincent Foster.

Mr. MONROE. I'll defer to Bill on that.

Mr. COLOMBELL. Senator, I tried to anticipate questions that you would ask. That was one area that I did not anticipate, but I do

know that there were attempts to page him from Mr. Nussbaum and either from someone in his office——

Senator MACK. You think that information came from somebody volunteering it.

Mr. COLOMBELL. That information was developed during our investigation.

Senator MACK. Would it have been helpful to you to have had the pager?

Mr. COLOMBELL. I'm sorry, Senator, I didn't hear you.

Senator MACK. Would it have been helpful to you to have had the pager? I understand that some of these pagers have a memory device. If you had had that pager, would that have been helpful to you?

Mr. COLOMBELL. Initially I thought it would have been, but again, I'm going from recollection. I looked into that aspect of the investigation with technical lab people, with the FBI and there was some question as to whether, if we tried to get the pager at this point in time, we could have retrieved any info. Now, if we had it—I was not involved in this investigation back in——

Senator MACK. I'm not trying to be critical about whether you had it or didn't have it. We have been told that the two of you, first of all, let me say I share Senator Gramm's——

Mr. COLOMBELL. If we had it, it could have been helpful to the investigation, yes.

Senator MACK. What would you have done with it if you had it?

Mr. COLOMBELL. I would have attempted to determine if there was any other information contained in the pager that might have assisted us, in particular, in trying to determine Mr. Foster's activities from 1 until 5:30 p.m. on that Tuesday afternoon.

Senator MACK. Is that because some pagers, in fact, do have a memory? You would have been able to tell who paged and who called him?

Mr. COLOMBELL. I'm not qualified to answer that question. I would have to consult with folks in our FBI lab.

Senator MACK. Why do you say it would have been helpful if you had the pager?

Mr. COLOMBELL. I think I said it would have been helpful if we had the pager.

Senator MACK. Why would it have been helpful if you had had the pager?

Mr. COLOMBELL. We could have retrieved the information.

Senator MACK. I'm gathering that there are some pagers that would have information that would indicate there had been a call made and the number the call came from.

Mr. COLOMBELL. I think all pagers would have that information, Senator.

Senator MACK. A moment ago you were all asked the question about whether there were irregularities in the investigation and maybe we have different definitions as to what the term "irregularities" means, so let me pose a couple of thoughts to you all and get your reaction to them. If this had been an investigation that the Bureau had jurisdiction over, would you have released the pager?

Mr. MONROE. Let me answer the first question, Senator. The first question is whether or not, in our perspective, the U.S. Park

Police engaged in any significant irregularities and our response was not to our knowledge. That was the first thing, was it a significant irregularity? I'm not aware of, personally aware of, what the Park Police position was in regards to releasing the pager. If we had jurisdiction over this case, yes, we would have taken that pager and reviewed it, sir, but whether or not that's a significant irregularity, it could be a semantic one, and I'd rather not say that, sir.

Senator MACK. I apologize for my tone. I don't mean to be aggressively coming at you. I'm really just looking for information, and I did state that I thought it's possible we will have differing definitions of "irregularities." So the thrust of what I'm trying to get at here is, under normal procedures, would most investigating bodies have kept control of that pager?

Mr. MONROE. I would think so, Senator.

Senator MACK. Let me ask you this: If the Federal Bureau of Investigation had jurisdiction, how would you have gone about securing Vincent Foster's office? Would you have merely placed a call to the White House and asked that it be done, or would it have been—

Mr. MONROE. Senator, that's rather hypothetical, and number two, it's starting to get into an area which is still under investigation by Mr. Fiske and his staff, and that is follow up into the White House and I would respectfully ask that you consider that.

The CHAIRMAN. We don't want to go into that area and I think your concern is appropriately stated and heard, and we need to respect that.

Senator MACK. Do you think that the premature turnover of Vincent Foster's personal effects was unusual? Would you have maintained control of his personal effects until they had been completely physically catalogued?

Mr. MONROE. Not knowing all of the personal effects, we probably would have, from an FBI perspective. But I don't want to imply any irregularity on the part of the Park Police because the personal effects that we did obtain during this investigation were of significant value to us in determining the nature of his death, so I would say that the clothing we had was of measurable value in determining his cause of death, sir.

Senator MACK. I was thinking about his wallet, for example, since it was mentioned earlier.

Mr. COLOMBELL. Could I possibly—

Senator MACK. Were the personal belongings under continuous control so you know all of the information contained there when it was finally turned over to you?

Mr. COLOMBELL. Could I possibly assist in responding, Senator?

Senator MACK. Sure.

Mr. COLOMBELL. The Park Police are colleagues of ours that we work with frequently, they didn't have 20/20 hindsight and we didn't have 20/20 hindsight and we're being subjected to quite a bit of criticism with regard to our investigation. But I think the nature of your questions, the Park Police concluded fairly quickly, I would say a matter of 20 to 24 hours, that it was clearly a suicide and had substantial evidence, I believe, to support that conclusion and once they had reached that conclusion, I think some of the ques-

tions that you're asking now could best be directed to them, but the——

Senator MACK. Mr. Colombell, I'm of the impression——

Senator DODD. Can I answer the question?

Senator MACK. It's my time. You use your time the way you want to use it.

Senator KERRY. Your time has expired.

The CHAIRMAN. Go ahead, Senator Mack. Your time is up, but I think you should be allowed to complete this question, so do so.

Mr. MONROE. Excuse me, Senator Mack, as Mr. Colombell said, the determination by the Park Police as to the cause of Mr. Foster's death was one that was made fairly quickly by the Park Police.

Senator MACK. What time was that?

Mr. MONROE. I can't recall. Obviously, it wasn't as long as the 3½–4 months we took.

Senator MACK. The issues I'm raising happened in the first 24 hours.

Mr. MONROE. I can't tell you an exact time when that determination was made. I can say during our interviews that the Park Police insisted that the investigation be conducted as a homicide investigation as you would do in any equivocal death, sir, as you know, but the period of time—the time that they made a decision, I don't know the exact time, but it wasn't too far past the time of death. And therefore, some of the evidence could very well have been returned to its owner, which we probably wouldn't have done based on the hindsight that we have right now, Senator.

The CHAIRMAN. Thank you, Senator Mack.

I might say we will have the Park Police investigators here in the afternoon, so you'll be able to put those questions to them.

Senator Kerry.

Senator KERRY. Mr. Chairman, thank you very much. You know, I mentioned in my opening about how I thought it was really important that we don't sort of fantasize and not exaggerate or create things that don't exist here. We just spent a lot of time about this magical pager. It is a fact, is it not, Mr. Monroe, that the pager was found by the first investigator to arrive at the body to be turned off; is that accurate?

Mr. MONROE. That is correct.

Senator KERRY. And a turned-off pager doesn't receive messages?

Mr. MONROE. It does not.

Senator KERRY. I have one of the White House pagers right in front of me here. This precise pager, when turned off, cancels all messages, does it not?

Mr. MONROE. I'm not aware whether or not it canceled all prior messages.

Senator KERRY. It does, just like Senate pagers, when you turn it off, you start anew when you turn it back on. Fairly fundamental, I think. But the most important ingredient is when Vincent Foster's body was found, the pager was off; is that accurate?

Mr. MONROE. That's correct.

Senator KERRY. With respect to the mystery of this potential leak, there's no allegation, is there, at this point, that anybody made a leak with respect to Judge Hale; is that correct?

Mr. MONROE. There is no indication of that whatsoever.

Senator KERRY. No evidence whatsoever that there was ever a leak; is that accurate?

Mr. MONROE. That's correct.

Senator KERRY. And the procedure of the FBI when a warrant is signed is that the opposing attorney does not learn of the existence of a warrant until it is served?

Mr. MONROE. That's correct.

Senator KERRY. The warrant was not, in fact, served until the day after Vincent Foster had taken his life; is that accurate?

Mr. MONROE. That's accurate. It was served on July 21st.

Senator KERRY. So this is speculation; is that correct?

Mr. MONROE. That's correct.

Senator KERRY. Now, let me clarify for my colleagues on the other side why this issue has come up about what is appropriate or not appropriate today. Now, I can understand why some of them may be expressing some embarrassment about the questions surrounding the death, but I do not think it is fair to suggest that there isn't cause for concern on this side about why we're here.

Vincent Foster tragically took his life a year ago, 1 year ago, but as of March of this year, the Minority Leader was suggesting or calling the death an "alleged suicide." As of this year, the House Republican Whip was publicly saying there's a lot out there that's weird. As of this year, Senators on this Committee were saying they didn't know where he might have died or where this took place, leaving the notion out there it might have been somewhere else. As of this year, another Senator in this Committee talked about the very mysterious circumstances under which he died. As of this year, a report published by former assistants to Jim Baker and Congressman Kemp reported that the office of Senator Moynihan was putting out the word that Foster committed suicide at a private park in Virginia.

Not one Senator went to the floor to contradict this. There was a minor stock market crash. Moynihan put out the word it was a total fabrication, but there isn't any evidence whatsoever of this kind of totally fabricated element turning up in a Republican financial newsletter, which it didn't.

In recent days, Jerry Falwell has been describing Mr. Foster's death as mysterious, asking publicly whether it was a suicide and speculating breathlessly that it was a murder. The Wall Street Journal editorialized 2 days after his death that in the view of the newspaper he was "an unlikely suicide." And later, The Wall Street Journal described a report that he was murdered by a drug-dealing—cabal of drug-dealing officers. That appeared on August 6, 1993. A well-known Republican media consultant who brought us the Willy Horton ads has been raising money off of Mr. Foster's death by suggesting it wasn't suicide and calling for a new investigation of this "mysterious death." So this is why—

Senator DODD. As late as July 13th, the Congressman from Indiana has been literally filling the Congressional Record with the most obscene accusations regarding this as well. It's not just months ago.

Senator KERRY. So when my colleagues say to us, I don't know why my friends on the other side of the aisle are concerned about this, this is out there and now is the time to put it to rest. Now,

I ask you, based on your 30 years of experience, based on your 25 years of experience, have you learned anything at all as sworn FBI officers that suggest that any of the things I read off there could be true?

Mr. Monroe.

Mr. MONROE. No, sir.

Mr. COLOMBELL. No, sir.

Dr. HIRSCH. Senator, I'm not a sworn FBI officer, but I do have an opinion about something you raised, and that concerns the place of Mr. Foster's death. It is my unequivocal, categorical opinion that it was impossible for him to have been killed elsewhere.

Senator KERRY. You've done something like 20,000 autopsies, have you not?

Dr. HIRSCH. I've lost track. Many thousands.

Senator KERRY. I appreciate those opinions and I just think it really goes to underscore the damage the words have—thoughtlessness of this process, and we're not creating this, my friends. These things were said by other people. They're out there as a matter of record, and now is the time to clear it up.

The CHAIRMAN. Thank you.

Senator KERRY. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Faircloth is next in the order.

Senator FAIRCLOTH. Thank you, Mr. Chairman.

The first question is to Special Agent Monroe. I notice there's been a number of questions that you have not been able to answer. Do you know or could you tell me why Robert Fiske isn't here today to talk about the Fiske Report himself?

Mr. MONROE. Let me respond to the first comment as to the questions I could not answer. I am able to answer, Senator with all due respect, those questions that pertain to how did Mr. Foster die, what was the cause of his death, and did Whitewater play any role, sir. So with all due respect, I'm able to answer those questions to the best of my ability. The second question you asked as to Mr. Fiske not being here, and I do not know, but my sense is that was a situation or an issue that Mr. Fiske dealt with with the Chairman as to his appearance. I would say that his not being here, with all due respect also, should not be any indication of the leadership that he has exerted on this particular aspect of the Whitewater issue, Senator.

Senator FAIRCLOTH. Thank you, Mr. Monroe, and I have several questions, so the briefer you would be, the more I will be able to get to.

Mr. Fiske claims because of scandals collectively known as Whitewater were used, there's no evidence Whitewater played any role in the depression that led to the suicide. Were you made aware before his death Vincent Foster had prepared and filed 3 years of delinquent tax returns for the Clinton's Whitewater partnership?

Mr. MONROE. I was not personally aware of that.

Senator FAIRCLOTH. Well, he did file 3 years delinquent tax returns.

Mr. MONROE. Thank you, sir.

Senator FAIRCLOTH. Are you also aware Foster had finished the legal work to place the Clintons' assets into a blind trust?

Mr. MONROE. Yes, I was aware of that, sir, but his responsibility there, to the best of my knowledge, was simply as an intermediary to get the President to sign a form. That was being handled by another party.

Senator FAIRCLOTH. In 1992, the Whitewater issue surfaced in the Clinton Presidential campaign and the Clintons hired an attorney who, of course, cleared them of any wrong. Later Whitewater resurfaced in the so-called Lyons report and was thoroughly discredited. Are you aware of the Whitewater report and the fact that James Lyons was to meet with Vince Foster the day after he died? Could that have affected his state of mind?

Mr. MONROE. I was aware of his scheduled meeting with Mr. Foster the day after his death. Whether or not that had any impact on his state of mind would be mere conjecture on my part, Senator.

Senator FAIRCLOTH. At the end of last month, Robert Fiske said he would have his report in the Whitewater phase complete, shortened I believe he said, in 10 days. Then he said it would be delayed. We have just recently learned that Robert Fiske had not even subpoenaed the White House documents. How was he planning to so shortly have his report when he hadn't even seen the papers in the White House?

Mr. MONROE. Two parts of your question. Those documents had already been subpoenaed, sir.

Senator FAIRCLOTH. When were they subpoenaed?

Mr. MONROE. The exact date, I don't know.

Senator FAIRCLOTH. I mean, this week or in March?

Mr. MONROE. I'm not aware of when they were subpoenaed, sir.

Senator FAIRCLOTH. According to what we've been able to find out, he had not even subpoenaed them fairly recent, but—does he know when?

Mr. MONROE. I don't know the exact date of the subpoena.

Senator FAIRCLOTH. Does the man who's prompting you know when?

Mr. MONROE. I'm sorry, no.

Senator FAIRCLOTH. Does the man prompting you know better—

The CHAIRMAN. Senator Faircloth, if you will permit me to interrupt you for a moment. I don't want to knock you off the line of questioning, but there is a concern as to whether that line of discussion starts to move into the active phase of the investigation that Mr. Fiske may still have ongoing that he's asked us not to cross into, and so I think, Mr. Monroe may, in fact, not be in a position to do that without us getting outside our scope as we've laid it out.

I want to make certain that we're not, in effect, tampering with an ongoing part of the investigation by Mr. Fiske in this area. We're going to get answers to those questions in due course, but I want to be certain that we're not, in effect, crowding into that area here, and I won't say that's your intention. I just want to be sure we're not.

Mr. MONROE. I thank you, Mr. Chairman. I'm also trying to be responsive as best I can.

Senator FAIRCLOTH. Thank you. Turn the clock back on.

The CHAIRMAN. All right.

Senator FAIRCLOTH. Dr. Hirsch, what is your relationship with Robert Fiske?

Dr. HIRSCH. I have no ongoing or previous relationship with Mr. Fiske. I was asked to serve as a consultant to his investigation. I never met him before, and I don't anticipate hearing from him in the future.

Senator FAIRCLOTH. Have you ever visited Fort Marcy Park?

Dr. HIRSCH. No, sir.

Senator FAIRCLOTH. Were you present at the Foster autopsy?

Dr. HIRSCH. No, sir.

Senator FAIRCLOTH. Have you actually examined the gun that was identified as the suicide weapon?

Dr. HIRSCH. No, sir.

Senator FAIRCLOTH. Have you actually examined any other physical evidence?

Dr. HIRSCH. Let me go back to the question—I haven't had the kind physical evidence in my hand. I've seen photographs of it and I've seen the results of test firings of the gun to produce certain gunpowder patterns, particularly the escape of gunpowder in the gap of the front of the cylinder and the breach end of the barrel. So I've had direct access to that type of evidence.

Senator FAIRCLOTH. Have you interviewed anyone involved in the case other than Dr. Beyer?

Dr. HIRSCH. I didn't personally interview Dr. Beyer. That was done by the forensic pathologist, Dr. Luke, who was part of our panel. I believe you asked me something about photographic evidence?

Senator FAIRCLOTH. No, I didn't ask about photographic evidence.

Dr. HIRSCH. I'm sorry.

Senator FAIRCLOTH. Who have you interviewed involved in the case?

Dr. HIRSCH. Who at the——

Senator FAIRCLOTH. You did not interview Dr. Beyer. Who did you interview?

Dr. HIRSCH. I have spoken with the agents who are investigating and with agents who did work in the laboratory, but I didn't personally interview the Park Police or the medical personnel.

Senator FAIRCLOTH. Dr. Hirsch, did Robert Fiske or any of his representatives talk to you about your conclusions prior to the public release of your report?

Dr. HIRSCH. Of course.

Senator FAIRCLOTH. So Robert Fiske and his representatives talked with you about your conclusions prior to the public release of your report?

Dr. HIRSCH. Senator, we attended a meeting at the office of the Independent Counsel at which time I saw all of the available evidence, the microscopic slides, the photographic documentation.

Senator FAIRCLOTH. I understand that, but my question——

Dr. HIRSCH. Mr. Fiske was present at that meeting. And the pathologist explained our interpretation of the evidence that we saw and the findings. So Mr. Fiske was directly made aware of that. The pathologist, then, in an Adelphi fashion, if you will, by circulating drafts of our report, all saw it, all participated in its au-

thorship, and I'm certain that Mr. Fiske saw that before it was published in this report.

Senator FAIRCLOTH. Did you talk with Robert Fiske about your conclusions? Did you talk to him about it?

Dr. HIRSCH. I was a participant in the meeting, and I expressed my opinions to Robert Fiske about the interpretation of the medical findings.

Senator FAIRCLOTH. You discussed this with him and he knew what was coming out?

Dr. HIRSCH. Yes, sir. He knew how I felt about this evidence and how we all did.

Senator FAIRCLOTH. One more question. Dr. Hirsch, the biographies of the pathologists fill up a large portion of the Fiske Report on the death of Vince Foster. The Fiske Report puts a good bit of stock in a person called a confidential witness. Did you ever talk to the confidential witness?

Dr. HIRSCH. No, sir.

Senator FAIRCLOTH. Thank you.

The CHAIRMAN. Thank you.

Senator MOSELEY-BRAUN.

Senator MOSELEY-BRAUN. Thank you, Mr. Chairman.

Just a couple of specific questions for Mr. Monroe or whoever is inclined to answer. The FBI was contacted on the 21st by the Park Police and asked to come into the case; is that correct?

Mr. MONROE. That's correct, to come in to participate, I believe, for the search of Vincent Foster's office.

Senator MOSELEY-BRAUN. Was this request routine in cases such as this?

Mr. MONROE. Yes, it was, Senator. Please bear in mind the legislation there is the Presidential and Presidential staff assassination statute and not to take your valuable time, based on the preliminary investigation in which we found no criminal activity, preliminary, the lead agency based on agreement with the Park Police and what we do is render whatever assistance they might request.

Senator MOSELEY-BRAUN. Based on the statute that you referenced, does the FBI specifically have guidelines regarding cooperative arrangements with the local police?

Mr. MONROE. Yes, we do.

Senator MOSELEY-BRAUN. Were those guidelines followed in this case?

Mr. MONROE. Yes, they were.

Senator MOSELEY-BRAUN. Was there anything at all about the cooperation between the FBI and the Park Police in this case at variance with the practices or the procedures of the FBI?

Mr. MONROE. None to my knowledge, Senator.

Senator MOSELEY-BRAUN. Have you, sir, had occasion to review the Park Police's procedures for homicide investigations?

Mr. MONROE. The procedures, no, I have not.

Senator MOSELEY-BRAUN. Are you familiar at all with the Park Police general order 2310?

Mr. MONROE. I am not, Senator.

Senator MOSELEY-BRAUN. Are you, nonetheless, prepared to express an opinion with regard to the activities of the Park Police in

terms of their following proper procedures in regards to this investigation?

Mr. MONROE. No, I am not, Senator.

Senator MOSELEY-BRAUN. Finally, was there anything about this investigation, in terms of the FBI involvement with this investigation, that was in any way at variance with any procedure of the FBI in these kinds of cases?

Mr. MONROE. No, Senator.

Senator MOSELEY-BRAUN. Mr. Chairman—that's all I have by way of questions.

Mr. Chairman, for the record, I don't know if it was introduced during the colloquy between Senator Sarbanes, and I don't know if Senator Gramm was here or not at the time, but I think it's important with regard to the issue of why we're here and talking about this at all, that the record reflect the resolution by Senator D'Amato asking for a special subcommittee to be developed for these hearings. This resolution at sub L says that the purpose of the special subcommittee is "the Park Police investigation into the death of White House Deputy Counsel, Vincent Foster" and then to point out that that resolution was rejected. Senator Mitchell countered with the final substitute that became S. Res. 229, which at sub B says "the Park Police investigation into the death of White House Deputy Counsel, Vincent Foster." I think it's very important for the record to reflect the genesis of all this came from the proposal by the Senator from New York and that we are trying to fulfill his request in that regard.

The CHAIRMAN. Without objection, it will be made a part of the record.

Senator Bennett.

Senator BENNETT. Thank you, Mr. Chairman.

I'm going to violate a rule that I understand is taught in law school. Since I didn't go to law school, I might be able to get away with that. The rule is never ask a question to which you do not know the answer in advance. I'm curious. I don't have the slightest idea what your answer is going to be, but I'd like to know. From the standpoint of curiosity, with no hidden agenda or desire to read anything into your answer, I just want to know. The FBI identified blond/light brown head hairs of Caucasian origin dissimilar to Mr. Foster's on several pieces of clothing. Has the FBI investigation determined the identity of those blond Caucasian head hairs?

Mr. MONROE. No, we have not, sir, and I'd be glad to respond why not. Basically for the following reasons, sir. There were three blond hairs found on articles of clothing, as you've said. Our objective, as I've mentioned before, was to find out how Mr. Foster died, why did he die, and whether Whitewater at all played any role.

It was our professional judgment that trying to determine that hair would not lead us or advance us in this objective. And let me go one step further, if I could, sir. The source of this hair could have been boundless. It could have been obtained at work. There was a White House ceremony that morning. It could have been from his residence. It could have been from his automobile, which was used quite often by his children, during the autopsy, during the period of time that the clothing was in the possession of the U.S. Park Police, any blond-haired person at the death scene, and

there's no way to determine whether or not those hairs were on those certain articles of clothing either on the day of his death or days previous to it. We were also very well aware, sir, that Mr. Foster's daughter, 21-year-old daughter, has blond hair—

Senator BENNETT. As I say, I'm not trying to read anything into this. I just want to know and I think your answer has been forthcoming, and it contributes to the kind of let's-settle-this-once-and-for-all attitude that we're hearing here. We can put this aside now as anything sinister and I'm happy to do that.

Mr. MONROE. There's nothing sinister whatsoever.

Senator BENNETT. The second one is in the same category. I'm curious. The FBI identified carpet-type fibers of various colors. They contain red, dark pink wool fibers on various pieces of his clothing. Does the FBI have any idea where that came from? Was there any attempt made to match that with any carpet in his home, car, or office?

Mr. MONROE. No, sir, and for the same reasons I provided in response to your first question relative to the hairs. They were multiple colors. We had no way to match those particular carpets up, outside the fact that they most likely came from his residence or from his office, and if we had any knowledge of any other venue or location he might have been at, specifically the day of his death, we would have done it. So once again, Senator, nothing sinister whatsoever.

Senator BENNETT. Thank you.

You made reference to the fact that the clothing might have been contaminated by being mixed with other clothing as part of the investigation. Is that one of the irregularities, significant or not, to which you would refer in response to the kind of thing that Senator Mack was talking about, that in hindsight, the clothing should have been sequestered better than it was or, once again, is that an insignificant item? Once again, I don't know. I'm just curious.

Mr. MONROE. It could have been very significant. The clothing, after the autopsy, was commingled, and you're right, Senator, where that particular hair or fiber was attached to at the time of the FBI laboratory does not mean that's where it was when Mr. Foster met his death. In this particular case, I don't believe it was significant, but it could be in future cases.

Senator BENNETT. Just to summarize what I think I'm hearing you say: If this had been a murder, then that procedure in handling the clothing would have been inexcusable. Since it was a suicide and we all know it's a suicide, it turns out not to have mattered. Is that a fair summary?

Mr. MONROE. No, I don't think so. I'd like to clarify it. In any death investigation, we had overwhelming evidence to reflect that it was a suicide, and not to make a distinction between a homicide and a suicide. Obviously, a death is—determining the manner of death is important whether it be a suicide or homicide.

Am I clarifying my response?

Senator BENNETT. Not really, but it probably doesn't matter.

Thank you.

Mr. MONROE. Well, you were kind enough to ask the question. I'd like to be able to respond.

Senator BENNETT. I guess what I'm getting at is whether or not the clothing—the handling of the clothing—falls in the category of a lapse of proper procedure. We can put to the side the question of how significant the lapse would be, but is it, indeed, a lapse at all that the clothing was allowed to be contaminated at some point?

Mr. MONROE. All things considered, it should not have been done that way.

Senator BENNETT. It shouldn't have been done that way. Thank you.

The CHAIRMAN. Senator Shelby.

Senator SHELBY. Thank you, Mr. Chairman. I will be brief. I understand the basic need, Mr. Chairman, to, as part of the mandate of the resolution hold a hearing into the death of Vincent Foster, but it's my understanding as others have said and people have testified, like Dr. Hirsch, that it was a suicide. I have no reason to question that. I was hoping that we could close this forever and let the family go in peace. I'd like to express my regret to the family and friends of Vince Foster over this tragedy. That's all.

The CHAIRMAN. Thank you, Senator Shelby.

Senator Domenici.

Senator DOMENICI. Mr. Chairman.

Mr. Monroe, I think that you were charged with an impossible mission when you were asked to read the mind of Vincent Foster, and so frankly, I don't place a lot of faith in your conclusions as to what was bothering him. You have tried to tell us—and I think you've been very careful with your words—that you can't find any evidence that he talked about Whitewater to anybody. But I don't think any of the three of you—and I'm even going to say that for the pathologist and he can tell me if I'm wrong—I don't think any of you are qualified to say what somebody who is in a seriously depressed mood is apt to talk about or not talk about with regard to what's bothering him.

I can conclude from what I know that they're just as apt not to talk about what's bothering them. So I merely want to make my own personal observation for the record that on that score, we have taken an awful lot of your time and others, and I don't think it serves any useful purpose.

Having said that, I think we have a tendency from time to time to bring up names and people and entities, and we don't tell anybody what we're talking about, so could I just ask, do you know what's significant about David Hale, sometimes referred to as a judge, and to Capital Management Service? Why are people asking about that? Is that because it's a corporation that's closely tied to Whitewater? Why did we ask you those questions about the warrant?

Mr. MONROE. Because it has—in panoply of Whitewater, that is often put into the category as being part of the Whitewater issue. And therefore, to determine whether or not, in fact, that was—he was aware, Mr. Foster was aware. That's the reason for it.

Senator DOMENICI. So for those who are following us, very close to the date of his death, a warrant was issued with reference to David Hale. He was the executive of Capital Management Service, which has a relationship to Whitewater, the Clintons' friends and the Clinton family. So one might have thought that perhaps Vin-

cent Foster knew about that. Is that why the questions were asked, as you see it?

Mr. MONROE. That's the way I interpret the questions, sir.

Senator DODD. It wasn't just "around" that date. It was after—the statement you made earlier that that warrant was issued after the death of Vincent Foster.

Mr. MONROE. The warrant was issued July 21st. The exact—it was issued the day after his death.

Senator DODD. It's not around. It's after.

Mr. MONROE. I'm sorry, issued on the 20th, Senator, and executed on the 21st. I apologize.

Senator DOMENICI. It was issued on the date of his death, wasn't it?

Mr. MONROE. Issued and then executed the next day.

Senator DOMENICI. So the question might have been "was somebody talking to Vincent Foster from the DA's office in Arkansas." That's why the questions, I assume.

Let me ask you a question. I know the Park Service is coming over here to testify, but we look at you as the real experts in how you conduct investigations and I think you were probably chosen because you're the best. Actually, have you sought out everything that the Park Service did in terms of their investigative role with reference to finding a dead body on Park Service land? I assume you did.

Mr. MONROE. Yes, we did, Senator.

Senator DOMENICI. Is it difficult for you to tell us whether the Park Service, for any reason—I don't know the reason, but for any reason—conducted this investigation or failed to conduct it—because they were coerced or otherwise—in a way that you considered to be the best possible investigative procedures?

Mr. MONROE. Obviously, we used the results of their investigation—

Senator DOMENICI. Now, wait a minute. I'm asking you a question. Is it impossible for you to share with us your expertise about whether they did or didn't?

Mr. MONROE. I think they did an adequate job, Senator. I just feel inappropriate to evaluate another agency's work because there was some benefits that we had, of course, that they did not have.

Senator DOMENICI. Part of the concern that we have is putting this enormous set of facts together over a very long period of time. We must start somewhere and we start with this today and we're going to do a lot of other things and find out a lot more facts. In my question and in your response, did you put into your mind that there may have been some White House interference in the way the Park Police conducted their investigation, or did you leave that on the side as you answered my question?

Mr. MONROE. Sir, that particular issue is one which is currently under investigation by Mr. Fiske.

Senator DOMENICI. Fine. We're going to get into that later, you say, and that was not part of any of the answers you made here today?

Mr. MONROE. That's correct.

Senator DOMENICI. Thank you very much.

Thank you, Mr. Chairman.

The CHAIRMAN. Now, we've gone down both sides and recognized every Senator that sought recognition in a first round. To the best of my memory, I know Senator Bond, you wanted a second round, however—Senator D'Amato would be ahead of you and has indicated that he would like to raise one item. Let me, for the sake of the planning purposes, indicate what I intend to do here. I want to finish this panel while we're seated. I know we've gone on through the lunch hour, but I think it's important to finish. We've got another important panel coming today. They are people who can properly address some of these questions because they include the Park Police and the issues that have arisen here and I want to get to them. So I want to accommodate people's questions, but I want to go ahead and try and finish up this panel. We'll take a short break after that happens for those who haven't had a chance to have a bite of lunch and I want to call the second panel and deal with them.

Senator D'Amato.

Senator D'AMATO. Dr. Hirsch, how did you determine the time of death?

Dr. HIRSCH. I didn't, Senator. Our report states that we cannot fix the time of death any more precisely than the interval between when Mr. Foster was last seen alive and when his body was discovered.

Senator D'AMATO. No time of death was included in that report?

Dr. HIRSCH. Our report states we have no opinion.

Senator D'AMATO. Because that would deal with the question—and I won't put it in the form of a question, but I found, and I think you'll find it highly irregular, and I commend you, that the medical examiner who examined Foster's body at the park estimated his time of death by deciding to treat Detective Rose's arrival at the scene as the time. He told the detective that he should put that down. I don't think you would consider that normal procedures, and I imagine that's why you did not subscribe to that. Were you aware that that's how he arrived at his initial estimation of time of death?

Dr. HIRSCH. I heard that, Senator, and I think there may be a confusion between an official and an actual time of death. The official time of death is when someone discovers a body and says this is a dead human being. The actual time of death may be vastly different, may be different by years, in fact.

Senator D'AMATO. I thank you for the clarification. It was just a question the staff had directed to my attention. I thank you.

I yield it back to the Chairman.

The CHAIRMAN. Senator Bond.

Senator BOND. Are you going to go back and forth?

Senator D'AMATO. I used about a minute and a half.

Senator SARBANES. I just wanted to follow up on that very point. I want to be sure I understood it. In other words, the time that the coroner puts on—you put on an official time of death, which is when the dead person is discovered; is that correct?

Dr. HIRSCH. Pronounced. This is the practice in most jurisdictions. I haven't talked to the Virginia authorities about this, but in most places that I've worked, the official time of death is when someone says this is a dead human being. That may be very dif-

ferent by hours, days, weeks, or years from the actual time of death.

Senator SARBANES. The actual time of death, your panel was not able to determine that other than sometime between when he was last known to be alive and, I take it, the official time of death?

Dr. HIRSCH. That's correct.

The CHAIRMAN. Very good.

Senator Bond.

Senator BOND. Thank you, Mr. Chairman.

Mr. Monroe, let me go on to another piece of the investigation. Brantley Buck, an attorney from Little Rock, was the one to whom Vince Foster spoke at approximately 1 p.m. on that fateful afternoon of July 20. I have in my hand the FBI report on the interview with Mr. Buck. Did you conduct that interview?

Mr. MONROE. I did not.

Senator BOND. Do you know who did?

Mr. MONROE. Yes. I believe it was Special Agent Alex Suggs, but I'm not sure of that, sir. It should be on the bottom of the 302.

Senator BOND. This one was left blank as to who. We do not have that information.

Mr. MONROE. I'm sorry, Senator.

Senator BOND. Do you know whether Mr. Buck was asked if, in the course of his conversation, he had discussed Whitewater, Capital Management Services, or Madison Guaranty?

Mr. MONROE. I don't know, sir.

Senator BOND. Is it the practice of the FBI that if they conduct an inquiry and they raise a question to which the response is negative, it should be noted in this reply, in this confidential memo?

Mr. MONROE. I would have put it in, Senator, but I can't say that's policy.

Senator BOND. The reason for interviewing Brantley Buck, who may have been the last person that talked with Mr. Foster before he left the office, would be to ascertain a number of things, would it not?

Mr. MONROE. Yes, sir.

Senator BOND. And one of those things would be the state of mind on which you commented and which the Fiske Report commented?

Mr. MONROE. Yes, sir.

Senator BOND. Given the questions that were raised about the possibility that Mr. Foster may have been informed about the issuance of the search warrant for Capital Management Services or Judge David Hale, would it not have been appropriate to ask whether that had been part of the discussions?

Mr. MONROE. If I had been doing it, true, but I'm not sure what that interviewing agent had in mind at that particular time. So I can't respond for that agent, Senator.

Senator BOND. I would ask, Mr. Chairman, that we make this report a matter of record.

I would assume that you will be doing further investigation and those questions will be appropriately put to Mr. Buck?

Mr. MONROE. Yes, sir.

The CHAIRMAN. I'm certain I haven't seen it. I'd like to read it.

Senator BOND. I thought it should have been available to all Members. It has discussions of the subjects for which Mr. Buck was calling, which had to do with the preparation of the blind trust.

Mr. MONROE. Right.

The CHAIRMAN. As I understand it, though, according to the document that I just saw, I thought that occurred not the day of Mr. Foster's death, that that occurred a couple of days beforehand. That occurred——

Senator BOND. At 1 p.m., July 20, 1993.

Mr. MONROE. I'd like a clarification on it, if I could. I just reviewed the copy of the report again and apparently he attempted to call on the 20th, Senator, but was not successful.

Senator BOND. If I can have that back, it said he called at 12:17 p.m. and Foster returned the call at 1 p.m.

Mr. MONROE. You're right, Senator. In other words, there wasn't a connection at that time.

The CHAIRMAN. That was my question. It seemed to me from my memory, they did not reach one another. I mean, one called and Foster was not there and apparently he called back and the other fellow wasn't there, but they never managed to talk to one another on the telephone that day. But without reading that document—I'm not sure whether it says that or not, but if my recollection is wrong, then I want to establish one way or the other whether they spoke.

Senator BOND. This is not clear from the document.

Mr. MONROE. What is clear from our report is that they never made a connection.

The CHAIRMAN. So, they did not speak to one another that day?

Mr. MONROE. That's correct.

The CHAIRMAN. And that's your testimony?

Mr. MONROE. That's correct.

Senator BOND. It states here that Buck called back at approximately 1 p.m., D.C. time, and that's—it does not say that the call was not completed.

Mr. MONROE. It was not completed. In other words, there wasn't a connection between——

Senator DODD. I forget exactly where, but in reading over depositions, it seems that there was information that, there were a couple of calls made around that time, but the callers and Mr. Foster never did connect. This was one of those calls. That's somewhere in the report.

Mr. MONROE. Yes, it is. I don't have the research or the report.

Senator BOND. There were also two interviews of Mr. Lyons. Mr. Lyons was the one who prepared the Whitewater report during the fall of 1992 to explain the Whitewater matter. Do you know why there were two interviews of Mr. Lyons?

Mr. MONROE. No, I do not, Senator.

Senator BOND. It would appear that in the first interview he was not asked about Whitewater. I would also ask that we make these a matter of record.

Senator DODD. I found it. It's on page 26 of the report, at the bottom. "Foster now returned to the White House. A number of people tried unsuccessfully to reach him by telephone. C. Brantley Buck, Foster's former partner at the Rose Law Firm called to discuss, fi-

nalizing work Buck had been doing setting up a blind trust. Foster was acting"—it goes on. "Buck said there was nothing"—it goes on about that, but the point being it was an unsuccessful effort. On page 26.

Senator BOND. I thank my colleague, but if you read on page 27, the narrative continues that "Buck stated there was nothing about the blind trust that would provide a source of concern." It talks about the content. It does not say in here, at least it's not clear to me, that there was no contact made.

Mr. MONROE. Right.

Senator DODD. But that's Mr. Monroe's testimony.

Mr. MONROE. My recollection is there was no contact.

The CHAIRMAN. Let's be certain.

Senator BOND. I would like to know for sure.

Mr. COLOMBELL. Senator, neither of us conducted those interviews, we're both aware of them, and we both had feedback, but basically we're testifying from hearsay from our fellow agents. We'll be glad to provide you a—

The CHAIRMAN. Let's leave it as an outstanding question.

Senator BOND. That would be most appropriate if you would inquire, number one, did a conversation occur?

Obviously, if a conversation occurred, then the questions relating to the issuance of the search warrant with respect to Judge David Hale and Capital Management Services would be a very important question to ask in a follow-up.

Mr. MONROE. It could be, Senator, but as I said, we'll double-check on that. It is my opinion right now that there was not a connection, but based on the importance of this, let us please get back to you, sir.

The CHAIRMAN. Let me also say—I want to come back to the page 26, and I appreciate, Senator Bond, what you've read on page 27, but page 26 has a declarative predicate sentence at the beginning that says "a number of people tried unsuccessfully to reach him by telephone," and it goes on to list these various people and so—those words on paper would indicate that there's no completed phone call, but you're going to double-check that so there's absolutely no ambiguity about it?

Mr. MONROE. That's correct.

The CHAIRMAN. Senator Mack, did you have another question you wanted to raise?

Senator MACK. I really just have a comment or two.

The CHAIRMAN. Very good. We'll go to Senator Faircloth and then I think we may be finished here.

Senator MACK. I certainly don't intend to use my full amount of time.

First of all, with respect to the pager that Senator Kerry and I were discussing a little bit earlier, there is something called a Bravo pager that, when turned off, retains memory.

Second, I really did not intend to put Mr. Monroe and Mr. Colombell in a situation where they would have to criticize a fellow agency, but I wanted to raise the points that, at least from my perspective, the way the pager was handled, the way interviews in the White House were limited, the failure to secure the Foster office,

and other actions by the White House, in fact, hampered, to some degree, your ability to come to the conclusions that you've drawn.

Now, I'm not making the charge that you came to the wrong conclusion. I am merely pointing out the fact that there was interference, and I understand your sensitivity. I wonder how we would have reacted if we had to deal with that kind of pressure in the White House. I will just let it go at that.

The CHAIRMAN. Very good.

Senator Faircloth.

Senator DODD. If I may.

The CHAIRMAN. Just briefly.

Senator DODD. I'm told, for purposes of the record, that all pagers at the White House—by the way, this company is not from Connecticut—are Motorola pagers. The information that Senator Kerry provided earlier, when turned off, it erases all messages and in response to Mr. Monroe, the pager was, in fact, turned off. So, while I appreciate the Senator from Florida's question, the value of the pager—

Senator D'AMATO. If I might, to add something, I understand that Bravo is made by Motorola and it is one of those that are available at the White House. For a point of clarification, the staff has just given me that information. Bravo Plus is the one that has the ability to store. The question is and—probably at this point in time no one knows whether he had the ordinary Bravo or Bravo Plus, and that's a question. Did it have memory capacity and was turned in? I guess we'll never know. I think it would be safe to assume this was not proper procedure on a homicide.

Now, I don't want to put you on the spot, Mr. Monroe, but I'm going to say, do you think that it was proper procedure to turn in the pager without ascertaining if it was a Bravo or Bravo Plus and whether it had the ability to store messages, even if it was found shut off? Are you going to say that that was proper, that was normal? Would you—would the FBI have done that under normal circumstances, yes or no?

Mr. MONROE. No.

Senator D'AMATO. Thank you.

The CHAIRMAN. Just a minute, you inadvertently said "at a homicide."

Senator D'AMATO. Excuse me. Let me say, I mean a death. Excuse me. Let me correct the record and I thank my colleague. I did not mean it in that manner, but where there's a death—

Mr. MONROE. I do think, Senator, when you're looking at a police department's conduct, you ought to take the overall evaluation, sir—

Senator D'AMATO. They were working under difficult circumstances. It was an incredible thing. The body found there, the tragedy surrounding it. We understand that, but in fairness to all my colleagues, I think one of my colleagues was trying to make the point about the pager and whether or not it had the capacity to store information. There are some pagers that do and some that don't. And so that was the question and it was unfortunate that that was turned over. It's unfortunate about the contamination of the clothing. So that made things difficult to ascertain and under normal circumstances or ordinary circumstances you would have

followed, maybe, a different procedure. No one is suggesting that the report that you've prepared—and I have to tell you, I had some questions at a certain point in time, but after the conclusions and after reading the reports, I am convinced, as my colleagues have stated, that the death took place as indicated, at the park, that it was not a homicide, that it was a suicide, and it was a terrible tragedy.

The CHAIRMAN. Senator Faircloth.

Senator FAIRCLOTH. Just a quick statement.

Senator DODD. Get the microphone.

Senator FAIRCLOTH. Excuse me.

I know that you two agents are just doing your job, but the exchange with Senator Bond and your inability to answer his questions clearly shows how important it is that Robert Fiske be here to personally be held accountable for his report. I just think it's incumbent that he come and answer for himself. That's just a statement.

Mr. MONROE. Can I respond to that?

The CHAIRMAN. Yes. If you're asking, I think you ought to be allowed to respond.

Mr. MONROE. Let me assure you that there were questions posed today that neither myself or Mr. Colombell had direct answers to. The vast majority of questions in those areas are available, and were under the investigation of other agents and they'll be immediately forwarded to this Committee.

Senator FAIRCLOTH. Thank you, but that's even still the more reason that Mr. Fiske should be here to answer his own report. You could not conclude that Whitewater-related matters affected Mr. Foster's state of mind, yet the investigation into the removal of Whitewater-related documents from Mr. Foster's office the evening of his death is still incomplete. Could the contents of the documents that were removed from Mr. Foster's office provide valuable evidence as to his state of mind?

Mr. MONROE. There were documents that were removed from Mr. Foster's office pertaining to Whitewater. I have not personally reviewed those, but I have been informed that they had nothing to do at all with Mr. Foster's state of mind and they right now are part of the grand jury testimony, and therefore, I cannot elaborate on that, Senator.

Senator FAIRCLOTH. As a professional law enforcement officer, would you infer from the removal of these documents the evening of Mr. Foster's death after the office was supposed to have been secured, would that constitute an obstruction of justice?

Mr. MONROE. I can make no inference there, and that is going to be, and is, part of our continuing investigation, sir.

The CHAIRMAN. Let me just say there for a moment, Senator Faircloth, that that is specifically an area that Mr. Fiske has under investigation. He's asked us not to cross into that area. I know you don't intend to do that here, but I should file that point.

Senator FAIRCLOTH. No more questions.

The CHAIRMAN. Thank you. The Committee stands in recess until 3:15 p.m. and we'll have the other panel ready to go at that time.

[Recess.]

AFTERNOON SESSION

The CHAIRMAN. The Committee will come to order. Let me invite all those in the room to find their seating, and we will begin.

Let me introduce our afternoon panel, and then after I have done so, I will be asking you to all stand and take the oath, but we will do that after I have made these introductory remarks. We have with us Dr. James Beyer, Deputy Chief Medical Examiner for Northern Virginia, who performed the autopsy on Mr. Foster. Also we have two of the U.S. Park Police officers who investigated Mr. Foster's death. They are Sergeant Cheryl Braun and Investigator John Rolla.

I appreciate your being here. My understanding is that you do not have opening statements, as such, and so we will move right into the discussion and the questioning. But let me now ask you to stand and raise your right hand. Do you swear that the testimony you are about to give is the truth, the whole truth, and nothing but the truth, so help you, God?

Ms. BRAUN. I do.

Mr. ROLLA. Yes, I do.

Dr. BEYER. I do.

STATEMENT OF DR. JAMES BEYER, DEPUTY CHIEF MEDICAL EXAMINER FOR NORTHERN VIRGINIA; SERGEANT CHERYL BRAUN, U.S. PARK POLICE; AND INVESTIGATOR JOHN ROLLA, U.S. PARK POLICE

The CHAIRMAN. Very good. Thank you. Be seated.

Dr. Beyer, let me start with you, if I may. My understanding is that you, after your examination and the procedures you follow, concluded that Mr. Foster's death was a suicide, is that correct?

Dr. BEYER. Yes, sir.

The CHAIRMAN. Now, can you indicate how it was you were able to rule out any other cause of death and why you reached that conclusion, in terms of a short summary.

Dr. BEYER. Mr. Foster had a perforating gunshot wound to the head with entrance in the mouth, exit in the back of the head. There was abundant powder debris in the mouth at the entrance site. Therefore, I concluded that this was essentially a contact perforating gunshot wound consistent with being self-inflicted.

The CHAIRMAN. Might I ask over your professional career, how many deaths of this kind, obviously with different circumstances, would you have had the opportunity to be the chief medical examiner or to be part of an examining team?

Dr. BEYER. I have been the Deputy and in charge of doing autopsies at the Northern Virginia Office ever since 1971.

The CHAIRMAN. Since 1971. How many would you say you have performed over that period of time or participated in?

Dr. BEYER. I stopped counting when I reached 20,000.

The CHAIRMAN. So over 20,000?

Dr. BEYER. Yes, sir.

The CHAIRMAN. Can you give me any estimate as to how many of those might have been suicide situations or gunshot situations?

Dr. BEYER. We do anywhere from 700 to 800 autopsies a year. Approximately 20 percent of those are suicides and I would say that over 50 percent of those are by gunshot.

The CHAIRMAN. You have given us the central reason I take it that you ascribe to why you concluded, or one of the main reasons you concluded this was a suicide. How were you able to rule out any possibility of an alternative cause of death?

Dr. BEYER. There was no other evidence or trauma to the body, and with the entrance wound located in the mouth the way it was, with abundant power debris, no trauma to the jaws, no trauma to the teeth, it would be my conclusion that this was self-inflicted.

The CHAIRMAN. Let me move down the table to you, Ms. Braun and Mr. Rolla. Can you tell us how the investigation in the park was actually conducted? I do not know which of you wants to lead off. I am sure you will both want to contribute your observations but did one or the other of you arrive there before the other person?

Mr. ROLLA. We arrived together.

The CHAIRMAN. All right, you arrived together, and so I would like to have both of you, in a sense, tell us the manner in which you conducted the investigation when you got there. First, the basic things that I think we need to know is, did you see a gun and where did you see the gun?

Mr. ROLLA. First of all, when we arrived into the park, the parking lot, officers were in the park. We parked our vehicle. I spoke to Officer Ferstl. He told me he had the body of a white male up by the second cannon, had a gun in his hand, an apparent self-inflicted gunshot wound.

They thought his car was the fourth spot from the entrance to the parking lot. They thought the Arkansas tags, they thought it belonged to him because there was a suit jacket on the front passenger seat folded over that matched the suit pants that the deceased was wearing at the time, and a tie was in there also. I ran the tags, wrote the tags down, called the communications section via car phone, ran them and they came back to Vincent Foster, Jr., the exact address unknown, Little Rock, Arkansas.

At that point, there were some witnesses in the parking lot. Myself and Investigator Braun decided that she would handle the parking lot scene, and I would go up to the death scene. I believe we both went up there at first.

Ms. BRAUN. We both went.

Mr. ROLLA. We both responded up to the death scene.

The CHAIRMAN. So when you arrived at the death scene, did you see a gun?

Mr. ROLLA. Right. Well, let me explain. The death scene's about 250 yards into the park, going up hill basically, in a heavily wooded area with very thick foliage. When we arrived there, he said it was a little open field and a second cannon is at the end of the field at the top, just beyond the top of a steep embankment.

The officers on the scene had the crime scene taped off. We went over and spoke to those officers to see what they have done, and what had happened. At which time I approached the body, carefully viewing the crime scene, looking for any signs of struggling, signs of broken bushes, any signs of anything that would be evidence.

The CHAIRMAN. Had the body been moved at all? I mean, was the body in the position in which it was first found, or had it been moved in any way by the time you arrived, to your knowledge?

Mr. ROLLA. To my knowledge, the body had not been moved other than that we do have this blood transfer stain from the collar to the chin. Somebody either checked the carotid or whatever, may have moved the head, I do not know, but that is the only possible movement. Otherwise, no, the body had not been moved.

I approached the body carefully. The head was the first part of the body at the top of the embankment. Again, it is a very steep embankment with heavy foliage on both sides of the body. I carefully walked around the body, looking at it. Again, I was already told that there was a gun in the hand and at that point, I leaned over the body and observed a dark-colored revolver in the right hand of the deceased.

The CHAIRMAN. Let me just stop you there. My time is up. I want to, if I may, just ask one question, and then I will yield because I do not want to trespass on the time either. Did either of you see anything at the time that caused you to think that this might not be a suicide or the way it apparently would have appeared to you?

In other words, when you arrived, saw the scene, and saw the body, was there anything that struck either of you that would have caused you to say, maybe this was not a suicide. Was there anything that stuck out at that time that you recall now, or that you made a point of at the time?

Ms. Braun.

Ms. BRAUN. No. When we arrived at the scene and I went up to the scene, everything was consistent with a suicide.

The CHAIRMAN. Everything was consistent with a suicide. What would your answer be, Mr. Rolla?

Mr. ROLLA. Pretty much the same. Again, it was the early stages of investigation just arriving on the scene but at that point, everything was consistent with a suicide.

The CHAIRMAN. Let me yield now to Senator D'Amato.

Senator D'AMATO. I am going to yield my time to Senator Bond.

The CHAIRMAN. Senator Bond.

Senator BOND. Thank you very much, Mr. Chairman, and I want to thank the panel for their good work. I believe, Mr. Rolla, for ease of going through this, you have provided a great deal of information in the depositions.

I want to highlight for this Committee, some particular points of your testimony, and I will go through and give you the page numbers and ask you if that is an accurate reflection. It has to do with the outside interference in the investigation.

On page 63, you were asked: "If, at any time, if someone outside the Criminal Investigation Bureau, would you let me know, because there are lots of names."

You give an answer. "It would be very odd if anybody outside the CIB would ask anybody or do anything in the investigation."

They questioned you: "Did Officer Rule, when he called you, tell you the autopsy had been moved up specifically at the request of the White House?"

Your answer was: "Yes, he told me it had been pushed up. They wanted it done sooner, so they got it." Is that an accurate statement?

Mr. ROLLA. Yes, it is.

Senator BOND. Next, on page 68, the question's asked to you: "Is it SOP, standard operating procedure, to have someone who was at the scene of the death attend the autopsy?"

And your answer was: "Yes, that would be normal operating procedure. As I say, there may be nothing, there may be questions, you like to explain the scene and the doctor likes to hear besides reading the report and looking at the photographs. He can explain things, if you have questions. The investigator may have questions that he needs to ask the doctor." Is that accurate?

Mr. ROLLA. That is correct.

Senator BOND. And you were not able to attend the autopsy? You did not attend the autopsy?

Mr. ROLLA. Well, myself and Cheryl Braun worked all night. We worked, our shift was 2 p.m. to 10 p.m. The day before we worked until 6:30 that morning, waited for Dr. Beyer to get in and confirm that the autopsy would be on the morning of the 22nd. So we went home to get some sleep after our reports were written.

Senator BOND. That is understandable, but in other words, the autopsy was pushed up so you were——

Mr. ROLLA. It was pushed up and I was too tired to drive in and go back.

Senator BOND. Next, on page 75, you are asked about White House contacts.

They ask: "Did you talk about your theories of the case or how you felt the investigation was going."

You said: "Yes."

They asked: "Did the White House get mentioned in those conversations?"

You answered: "Yes."

Next they questioned: "Will you tell me a little bit about them? How it had come up, what kind of context?"

Your answer was: "This is from memory, but I know that Captain Hume was very upset. The White House was stonewalling us in our investigation and getting access to the office. They went up there, were not allowed in, were not treated very nicely, and they were very upset. They had to go up a second time before the things were put together and they were allowed to go in there. After that time, I was not there. I only heard what people told me." Does that reflect what you told the questioner in the deposition?

Mr. ROLLA. That is correct. I was not there either time because this was all from memory, office talk.

Senator BOND. Then, again, referring to the stonewalling and on page 156, the question is asked: "Did you ever talk in detail with Captain Hume about what went on at the notification to tell him some of those concerns that you had?"

You answered: "Yes. We talked about them, that we were stonewalled, we were stonewalled there. People basically, we had a few questions here and there of certain people but we were stonewalled." Does that reflect your memory of the situation?

Mr. ROLLA. The transcript does not read as good as it sounded when I said it.

[Laughter.]

Senator BOND. Would you like to state it in your own words? Maybe, I am sure that it was—

The CHAIRMAN. That happens to us too.

Senator BOND. Would you express your views for the Committee?

Mr. ROLLA. Of course, you are reading parts of statements that were much longer. Talking about the death notification. You are speaking of the death notification?

Senator BOND. Yes.

Mr. ROLLA. OK.

Senator BOND. And the investigation that went on.

Mr. ROLLA. As far as the death notification, it was not the situation we would normally have liked to have had. There were too many people there, too many people met us at the door. It was not the right atmosphere in which to make a notification in which to ask questions after a period of grieving. There were too many people there, and we did not have an opportunity to question the family or friends the way we would have liked to.

Senator BOND. It was not just with the investigation at the time of notification? You had problems with getting access to the papers? Is that correct? The papers of Mr. Foster and other personal effects?

The CHAIRMAN. Let me just sound a caution here because the question of the papers and the handling of the papers is an issue that Mr. Fiske is still investigating, and he has written to us and asked us to not move into that subject because he is not finished with it. And so I think we have got to be very careful about the degree to which we inadvertently cross into that zone.

Senator BOND. I gather there was an effort, by you to find if there was a suicide note or any other information that might bear upon the cause of death while you were at the Foster home?

Mr. ROLLA. Yes.

Senator BOND. Did you have any luck with it, were you able to carry that out?

Mr. ROLLA. We were there for a total of almost an hour, I believe. And it seems like a long time, but with all that was going on, it was not very long. We did not have the—we had opportunity to ask certain questions, but not anything at length and we were told, asked was there anything, did you see this forthcoming, was there anything different about him, has he been depressed, and all the answers were no.

Senator BOND. But your testimony in the deposition was that you were stonewalled?

Mr. ROLLA. And by that, I mean that everybody said, no, they knew nothing about his depression or anything when it later comes out that he was depressed and they were aware of it, but at the time, no one really spoke to us or gave us any information.

Senator BOND. Thank you very much, Mr. Chairman. I think this witness, just in the limited area, has given us an idea of some of the difficulties of the investigation and we will be getting into the questions of access to the White House papers later on.

I think that this all leads up to the fact that this phase of the investigation by Mr. Fiske is another very important one that we will have to explore at a later date.

I thank the witnesses.

The CHAIRMAN. And we will do so.

Senator Sarbanes, you are next in line.

Senator SARBANES. Mr. Chairman, I just returned, and I would like to defer. I will defer to a colleague.

The CHAIRMAN. Would you yield to me, then, briefly?

Senator SARBANES. I will pick up my round later.

The CHAIRMAN. Just would you yield a couple of minutes of your time to me, then?

Senator SARBANES. Certainly.

The CHAIRMAN. Mr. Rolla, I appreciate the job you do and the professionalism, and so I do not want to be misunderstood when I say this. But I was struck by your description of going to the Foster home, to give the notice, I take it, and to try to do an initial questioning and investigation. You found a lot of people, and I gather a somewhat chaotic scene.

I am just trying to imagine what it would be like, and you correct me if I am wrong in the impression that I took, but I cannot imagine anything else, if you just take the case facts.

The family finds out that the husband in the family, the father in the family has just died by suicide, everybody's in a state of shock and grief and other people are coming to console them and so forth. It seems to me, you have a job to do and I respect that, and I want you to be able to do it, but it seems to me that if you show up at a scene like that, that is probably what you are going to find in most instances, isn't it?

Mr. ROLLA. Well, let me explain to you. The only people at the house were Mrs. Foster and the daughter, Lisa.

The CHAIRMAN. Probably the two most important people in his life.

Mr. ROLLA. Right. And that would have been ideal circumstances to make a death notification. But we got a call from our field commander to call David Watkins, a White House person. He's a personal friends of Mr. Foster. His wife had just played tennis with Mrs. Foster that afternoon, and it is not uncommon to bring a close family friend along for a notification for comfort and support. So, of course, we agreed and we went to Mr. Watkins' house to pick him up and his wife followed us over there.

After we're parking the car, we're notified that both Mr. Foster's sisters and some other people were coming over there, could we wait for them. I said, no, I do not want to wait for them. The police knocking at your door at night when you are missing a loved one for a while is bad enough. To have a trail of people outside is a circus atmosphere.

I asked them to wait outside, but there were still 5 other people, besides the 4, myself and Investigator Braun, Mr. and Mrs. Watkins, 4 or 5 other people waiting on the landing, which they could see, and when they opened the door, they all came in. It was not ideal circumstances. It was beyond our control at that point, and the grieving and everything else, you are right, is perfectly normal.

The CHAIRMAN. I guess I am just trying to imagine the scene and I appreciate your describing it. I think to imagine Mr. Foster's sister arriving in a state of shock and grief, and the others, I think in many families, that is exactly what would take place. I mean, you would suddenly have everyone coming to console the family and try to find out what happened in a state of shock, and I guess what I am saying is I realize that makes it harder for you to go in and be able to talk to the family and do what you need to do.

But I think under conditions like this, it is very understandable to me that that would happen, and I can see why you might view it one way, and they would view it a different way. That is my point. You can see that, I am sure.

Mr. ROLLA. I see it is very understandable. My only point that I ever made was that when we asked was he depressed or certain questions, did they see this coming, that everything was a negative answer. And it comes out that he was and certain people in the family knew about it, and we just did not get much cooperation. Under the circumstances, you are right, it is a hard circumstances.

The CHAIRMAN. Senator D'Amato—

Senator D'AMATO. Senator Mack.

The CHAIRMAN. Senator Mack, do you want to be recognized?

Senator MACK. Thank you, Mr. Chairman.

I am going to continue along the line of questioning that the Chairman was pursuing with respect to what you experienced at the home.

In looking through the materials that you have prepared for us, there is an incident that occurred, Ms. Braun, involving you. You were engaged in carrying out your responsibilities under a very difficult set of circumstances.

I doubt that any of us would want to find ourselves in a position like what you had to go through in trying to gain information at such an incredibly delicate time, but you were doing your job. And as I understand it, as you were interviewing Sheila Anthony, Webster Hubbell pushed you and effectively ended that interview. Is that correct?

Ms. BRAUN. Yes. I was talking, I believe it was to Shelia Anthony. It was one of the sisters, and I had just basically started a conversation, trying to kind of build rapport to try to get information about Mr. Foster's state of mind prior to the suicide, and I virtually had just started the conversation when Webster Hubbell came up and moved me to the side with his arm, and then he took Sheila Anthony off the couch and into his arms, and walked away from me.

I do not know whether that was a function of grief, if he was comforting her or, I had not gotten far enough into a conversation to say, that he was trying to prevent me from getting information.

Senator MACK. I would suspect he probably was trying to comfort her, which is a very understandable emotion. But his title at the Justice Department, Associate Attorney General, says to me, he clearly understood what you were there to do. So, I am not questioning his motive. But let me ask you this question. Is this the first time that you have teamed up having to go make a notification?

Mr. ROLLA. Together, yes.

Ms. BRAUN. Together, yes.

Senator MACK. Individually, have you had to go to homes before to inform loved ones of a death in the family?

Ms. BRAUN. I have done notifications before, both in person and over the telephone. This was John's first notification.

Senator MACK. It was your first?

Mr. ROLLA. This was my first death notification, yes.

Senator MACK. Well, then let me just address my questions to you, Ms. Braun. I will tell you what my own feeling is, and then you tell me whether it might be accurate or not. I sense that when police officers come into someone's home, that there are two emotions that are being dealt with there. One is grief. The other one is who is in control.

And I would think that in most circumstances, when police officers come into a home, there is a sense that the police officers have information they need to gather, and they are relatively in control of the situation. Is that a fair assessment?

Ms. BRAUN. That is a fair assessment. Normally, of course, you are delivering a big blow to these people and you have to allow some time for them to deal with the information that you have just given them. But after a period of time, they calm down and you can speak to them, and generally there's no problem in getting answers to questions.

Senator MACK. I get the impression from the materials that we have looked through that both of you were kind of disregarded, pushed to the side, and that your ability to carry out your responsibilities was not given much consideration by the people in that house.

Ms. BRAUN. I am not going to disagree with you, Senator. I kind of feel like we were being very understanding, maybe too understanding, and we did not overly assert ourselves either.

The CHAIRMAN. Ms. Braun, would you pull the mike just a little bit closer. I just want to make sure that everyone has a chance to hear you. Thank you.

Senator MACK. Mr. Rolla, did you have any thoughts about what you saw happen to Ms. Braun?

Mr. ROLLA. No, I did not see it. She told me about it.

Senator MACK. What was your reaction to it?

Mr. ROLLA. Well, it was rude. Cheryl was angry because it was rude. Our action was that we were there and under the circumstances, people act differently when you tell them bad news. And, you are right, the police are the good guys but we're basically intruders that brought terrible news, tragic news into your home. That is why I said it would be better without all the other people there, because people would calm down and they'd look to us for comfort, and we could get some information.

At that point, they had enough other people there for comfort. There were close friends, relatives, and they did not need us, and they did not really want to deal with us or the situation at the time. That is what my feeling was.

Senator MACK. Let me go to the scene at the park because what I have implied here, with Ms. Braun, is that there was a loss of control at the house. Did you have a sense that you had lost control at the scene?

Ms. BRAUN. At the scene, no.

Mr. ROLLA. No, no.

Senator MACK. How about at the house?

Mr. ROLLA. Control was not a factor. Going in to make the death notification, we would like to do it our way.

Yeah, I guess if you want to call it control or whatever, we had a certain way we would have liked to do it, but all those people showed up and, it was a terrible notification, terrible grief, and everything else going on.

Yes, at that point we waited, that is why we were there so long, we waited until things calmed down and people separated and we started to talk to certain people as much as we could, pretty much in bits and pieces.

Senator MACK. Let me just take you to the issue that we discussed this morning: a pager.

Mr. ROLLA. Please, please.

Senator MACK. I am concerned about the pager being turned over to the White House.

Mr. ROLLA. I am aware of that.

Senator MACK. Is that normal procedure?

Mr. ROLLA. Well, let me explain it to you. You go on the scene, you observe the facts that are there, and the facts that are there was that this was an apparent suicide. Not one fact then or has ever come forward since then to this day to say it was anything other, anything sinister, anything other than a suicide.

With that in mind, a pager, the White House credentials on the pager were recorded, at least the pager was. I do not remember if I recorded the White House credentials because obviously I am going to give them back to the Secret Service. They may have been xeroxed.

The pager brand was recorded, the name brand, the serial number was recorded, the pager was turned off. As far as any information on the pager, he could have turned it off at any time, and if anybody paged him while it was off, that does not tell me anything. If they paged him after he killed himself, it does not tell me anything. It does not tell me what time he turned it off because he could have had his last page 20 to 30 minutes before he turned it off.

If it turned out something crazy, that it was a homicide, the FBI could have taken my report and the serial number to the pager company and subpoenaed the pager records and got all the calls that were paged to him that date.

We turned it over to the Secret Service, yes, any property that belongs to the White House United States Government, the credentials and the pager, a matter of security, yes, it is proper procedure.

I called them up, they wanted to come down and get it, and I turned it over to them after I recorded the information that I needed to get from it. I had no further use for it, because there was nothing to say that this was anything other than a suicide.

Senator MACK. So it is your opinion, then, when you gave up this pager that it was really unimportant?

Mr. ROLLA. Right. At that time, I had the information I needed that if something important came up, the pager records could be

subpoenaed. Again, the pager was turned off. I did not believe there was anything on there.

I have a pager, I turn it off, there's nothing, there's no memory on my pager. You know, possibly some pagers have memories. I did not think of it, to be honest, and why, again this was a suicide investigation. What it could tell me we found out. Of course, family members and many other people were looking for him, he was a high White House official, they were paging him.

My feeling was that was part of his suicide note. He turned his pager off. He was not going to receive any more messages. No, at that time I did not need it, and if I did need it, I could subpoena the records.

The CHAIRMAN. Thank you.

Senator Kerry.

Senator KERRY. Officer Rolla, you were asked earlier about this question of moving up the autopsy. It is agreed that the autopsy was moved up by a day. Is that correct, doctor?

Dr. BEYER. Well, as soon as I heard about the case, I had the body transported over, and we make every effort to do an autopsy within less than 24 hours if possible. Therefore, once I could get the body over, we proceeded with the autopsy.

Senator KERRY. But did you receive a message, doctor, asking you to try to proceed faster than normal?

Dr. BEYER. No, sir.

Senator KERRY. It is my understanding that Major Hines, who is sitting behind you but not at the table, that his recollection is different, and that he believes that the request to move it up was in order to facilitate the transfer of the body to Arkansas. Is that accurate, Mr. Rolla? Do you remember that, Ms. Braun?

Ms. BRAUN. That was my understanding, when we left that morning, the autopsy was set for the day after the 22nd, and then I found out later on in the day that it had gotten moved up and that they did the post on the 21st.

Senator KERRY. And it was your understanding that that was in order to facilitate the transfer of the remains to Arkansas?

Ms. BRAUN. Yes, that is my recollection.

Senator KERRY. Now, doctor, whether or not there was any request to move the time of the autopsy up, this would obviously call into question whether or not there was any reason for so doing. And I ask you, sir, whether or not, in the course of any of the 20,000 autopsies you have performed, you have ever altered, changed, or adjusted the outcome of your autopsy to fit anybody's requirements or schedule?

Dr. BEYER. Not anybody else's schedule to me. We may alter it to fit our own schedule.

Senator KERRY. I understand that, but have you altered the findings, what you determined in the course of autopsy, did you change that or alter any finding, as a consequence of anything anyone asked you to do in this case?

Dr. BEYER. No, sir.

Senator KERRY. Have you ever done that in any case?

Dr. BEYER. No, sir.

Senator KERRY. So irrespective of the timing, you are saying to us that the findings with respect to this autopsy are true and accurate and as you found them to be at the time. Is that correct?

Dr. BEYER. That is correct.

Senator KERRY. Now, irrespective of what you learned that night when you went to the Foster's house, did either you, Mr. Rolla, or you, Ms. Braun, find that anything that you subsequently learned from the family that you could not learn that very night, did that alter, in any way, the perceptions or conclusions you drew at the scene at Fort Marcy?

Mr. ROLLA. I do not believe either one of us had any access to the family after that night. Other investigators and Captain Hume may have.

Senator KERRY. But you learned things afterwards?

Mr. ROLLA. Right. Like I said, nothing from the day, from that scene until today has ever altered my opinion that it is a suicide.

Ms. BRAUN. That goes for myself also. When I went to the scene, observed the scene, and when I left, as far as I was concerned, I was dealing with a suicide and there was nothing to show me anything different.

Senator KERRY. There are really three parts to the involvement here of the Park Police. One is at the scene, two is at the Foster house, and three is at the White House. You were not present at the White House, correct?

Ms. BRAUN. I was never involved.

Senator KERRY. So you cannot testify to any of that?

Ms. BRAUN. No.

Senator KERRY. You can testify as to your presence at the Foster house and there you used the word "stonewalled," and I want to be absolutely clear when the word, stonewalled, comes up that we're clear about what we're talking about.

Senator ROTH. Mr. Chairman, could we ask the witnesses to speak into the microphones, please?

The CHAIRMAN. Yes. These microphones aren't the strongest, and I think, Ms. Braun's trying to do that. Maybe if you tip it just a little bit, that will help. Those will bend. You just have to push them a little bit.

Senator KERRY. Looking at your deposition, Mr. Rolla, where you were asked previously about your presence there, you used the word "stonewalled," you were referring exclusively to family members who at that time were distraught. Is that correct?

Mr. ROLLA. That is correct.

Senator KERRY. But no official or no one at the White House stonewalled you at that point in time. Is that accurate?

Mr. ROLLA. That is very accurate.

Senator KERRY. Is that correct, Ms. Braun?

Ms. BRAUN. Yes, I would say that is accurate.

Senator KERRY. So your perception of stonewalling is only as to distraught family members 1 hour after you had been at the scene of the suicide?

Mr. ROLLA. My meaning of stonewalling is that, yes, right. I guess it sounds worse than I meant it. Yes, we were stonewalled and again, I explain that by the fact that they had information

about depression, different things, and we were given no information.

Senator KERRY. Now, no one at any time whatsoever pressured you into what you should put into your report, did they?

Mr. ROLLA. No.

Senator KERRY. Ms. Braun?

Ms. BRAUN. No.

Senator KERRY. No one at any time suggested to you that you should find certain things or alter any conclusions you had drawn, did they?

Mr. ROLLA. No.

Ms. BRAUN. No, sir.

Senator KERRY. And nothing that you have learned since, either through the Fiske investigation or through the FBI investigation, has altered one bit your early conclusion that this was a suicide? Is that accurate?

Ms. BRAUN. That is accurate. It is confirmed.

Senator KERRY. Thank you.

The CHAIRMAN. Is that true for you, Mr. Rolla?

Mr. ROLLA. Same for me.

The CHAIRMAN. Very good.

Senator Bennett.

Senator BENNETT. Thank you, Mr. Chairman.

Mr. Rolla, I would like to go along the same path that Senator Bond did and take you through some of the statements you made during your deposition to get them on the record here. So I will read to you a statement from your deposition, giving you a page number, and ask if that is still your present understanding.

This is at the scene. You are asking questions of official people, and your answer is: "No, after again, I did not know who he was, even being in the White House, I was not overly concerned. Like I said, a million people work in the White House, but until such time as it started picking up all these people, trail of people following us to the house, I realized this guy is fairly important. And when the President of the United States walked in, then it dawned on me. I realized the White House is going to do whatever they want to do."

Is that pretty much what happened as you went through that circumstance, thinking Foster was just another White House staffer and then——

Mr. ROLLA. Well, obviously, I am not very politically savvy. I did not know who he was. He had a White House pager and a White House I.D. and many people work at the White House have Arkansas tags. A lot of people came from Arkansas with the President.

You are right, I did not know, and until an entourage started arriving at the house, and we started finding out a little bit more, that Mr. Foster was more than a staffer or just an employee of the White House, a little higher official. And then, I guess I was dumbfounded when the President of the United States walked in, and I realized, oops.

Senator BENNETT. Who would not be? I mean, I am not criticizing you.

Mr. ROLLA. I have worked Presidential detail and I have been around, but when he walked in the house, I realized that obviously this was a higher White House official and a friend.

Senator BENNETT. And that is when you realized the White House was going to do whatever they wanted to do in your phrase now?

Mr. ROLLA. Wait.

Senator BENNETT. This has to do with the autopsy.

Mr. ROLLA. No, you are talking about the autopsy, about them moving up.

The CHAIRMAN. Senator Bennett, I think he wanted to make a comment to clear up a misperception and I think he should have the chance to do that.

Senator BENNETT. OK, fine.

Mr. ROLLA. I just wanted him to clarify. I was not sure to what question I made that statement, that the White House can do whatever they want. I did say, yes, right, as far as the autopsy was concerned, meaning if the White House wanted that autopsy moved up a day, they were going to get it.

And people keep looking at me, well, why? It is the White House, it is the President of the United States, the White House, do people find that odd?

The CHAIRMAN. No, I do not find it odd.

Mr. ROLLA. You know, they want something, they get it.

[Laughter.]

I mean, that is not—I do not find that odd.

Senator BENNETT. Neither do I.

Mr. ROLLA. I am sorry, I did not mean to be funny or—

[Laughter.]

Senator BENNETT. OK, then I'll go on to page 135, you are asked the question: "Did you feel that the presence of White House or Government people made your investigation more difficult?"

This is a slightly different question than the first one. And this was your answer. "I feel this way. Mr. Watkins and his wife, who played tennis with her earlier that day, they were obviously friends of the family. I had no problem with that. I feel too many other people came in there. I do not know who was who, but I later found out Web Hubbell, he spent the whole time on the phone like there were official things going on there. It made my job difficult because we were not given access as fully as we would have liked with Mrs. Foster." Is that an accurate statement?

Mr. ROLLA. Yes. Again, the transcript does not read so well. You are right, and obviously both sisters are family and other friends that arrived on that scene also. They had a legitimate reason to be there and grieve also. But the whole point I was making was there was too many people there for an ideal situation for us. And that was beyond our control and as far as Mr. Hubbell, yes, he stayed on a cellular phone most of the time, and obviously since Mr. Foster was a high White House official, there were some calls to be made.

Senator BENNETT. OK. Now we're talking about on page 162, the Foster's documents, the ones that you were allowed to look at, and you were asked, "Did the Park Police consider the diary to be evidence in the case?"

You answered: "No. Again, when we were finally told we could look, then Hamilton did not want us to look at the diary. He said it is personal and there was a little bit of a stink. He said we cannot look at this, and we said, we're going to look at it. All of it is possible evidence. Once we reviewed it, there was no evidence of anything of value."

Mr. ROLLA. That is correct.

Senator BENNETT. Do you recall that?

Mr. ROLLA. That is correct.

Senator BENNETT. Mr. Hamilton tried to prevent you, and you prevailed?

Mr. ROLLA. Well, Mr. Hamilton asked us did we really have to look at it. It was personal. He did not see a need for us to look at it. And we told him, we need to look at it. We will decide whether we need to look at it, it is evidence. We're not here to embarrass anybody, but if there's evidentiary value in it, we're basically still investigating an apparent suicide, and that is what we're looking for. Anything to help with that or detract from that and lead us in another direction.

Senator BENNETT. On page 167, you were asked: "Was the police access to those papers unusual? Is that unusual for you in a case?"

You say: "Everything was unusual. As I said, these papers came from his office in the White House. That is a high official of the Federal Government. To get those papers, Park Police did not search that office, FBI did not search that office, Secret Service did not search that office. They were told to sit down while eight or nine attorneys searched that office. White House personnel searched that office and decided what would be OK to give to Mr. Hamilton to look at before he would give it to us to look at."

Then you say, over on the next page, "In a normal case, that guy's files would have been in my trunk and I would have taken them to my office to look at them."

Mr. ROLLA. Actually, the last statement was, I attribute that to Detective Markland. He made that comment earlier on in the case when he was asked about it being a normal case, and it was not a normal case.

Senator BENNETT. Oh, I see.

Mr. ROLLA. He made that statement. The guy's files would be in my trunk. As far as the rest of the statement, yes; right, it is not a normal case.

Senator BENNETT. OK, fine. Thank you. I will just go through this in following on to what Senator Bond laid down to make it fairly clear that this was not handled as a normal case.

I am not saying there's anything sinister about that, and I am not saying there's anything improper in your behavior with respect to that, but I think we should face the obvious. When a high official in the White House, who happens to be a very close personnel friend of both the President and the First Lady commits suicide, it is a fiction to try to say to the newspapers: Oh, the whole investigation was handled in a routine fashion. It is impossible under those circumstances for it to be handled in a routine fashion.

The very circumstances require that we recognize that people are going to be involved who would not normally be involved.

The only thing, Mr. Chairman, that concerns me out of all of these that I have laid down has been the final statement which we have gone over that takes us into the White House and the report that the Park Police were not allowed access to those papers; the FBI was not allowed access to those papers; the Secret Service was not allowed access to those papers. Instead, eight or nine attorneys on the White House personnel went in ahead. That is the only thing that I find troublesome in this circumstance.

Thank you.

Mr. ROLLA. Well, if I might say something?

The CHAIRMAN. Yes, Mr. Rolla, you wanted to make a comment.

Mr. ROLLA. Again, I was not there, Detective Marklin and the Captain of the Park Police were there when the office was searched.

There were misconceptions in the paper: Park Police searched this and missed this note. Again, I just wanted to say that we didn't "search." We were told to sit down. I'm not sure how many people were there, 8 to 11 maybe White House personnel who searched the office, for reasons of national security I guess, and decided what we would be able for us to look at. And that material was turned over to the family attorney. After he had it for a day or so, then we were allowed to look at it.

The CHAIRMAN. I think we have made it clear. Senator Bennett has made his point, and you have indicated this is your understanding. You were not at the White House.

Mr. ROLLA. That is correct.

The CHAIRMAN. So I guess we have to leave it at that for now. Senator Bryan.

Senator BRYAN. Thank you very much, Mr. Chairman.

I think it is clear beyond any reasonable doubt to any fair-minded person that the cause of Mr. Foster's death was suicide. All of the evidence that we have seen, all of the testimony we have received reaches that conclusion. I have no further questions along that line.

Senator Bennett and others have raised questions about access to papers and access to Mr. Foster's office. As the Chairman has reminded us, and as Special Counsel has admonished us, this is not the appropriate time to go into those questions.

There may, in fact, be a legitimate basis for inquiry, but I do not want anybody to have the misapprehension that there is no interest on this side of the table to inquire further about that. We are simply told that this is not the time to inquire, and that none of us want to jeopardize the investigation that Mr. Fiske is conducting. For that reason, that ought to be not the subject or focus of the hearing.

I think Senator Kerry asked the most important question, and I want to make sure that I cover one other aspect about it.

Is it your testimony that no one attempted to either influence the contents or the conclusions of any of the reports, statements, or testimony that you have offered either by deposition or in person with respect to this investigation?

Mr. ROLLA. No one.

Senator BRYAN. And yours?

Ms. BRAUN. No one.

Senator BRYAN. I have no further questions.

The CHAIRMAN. Thank you.

Senator Faircloth.

Senator FAIRCLOTH. Thank you, Mr. Chairman.

Ms. Braun, the Park Police did not seal Foster's office, but you did instruct David Watkins to secure Foster's office until the Park Police could secure it?

Ms. BRAUN. That's correct. Before I left the death notification, I asked that Mr. Watkins take care of having that office secured.

Senator FAIRCLOTH. Of course, David Watkins is the former White House Director of Administration who resigned with some disgrace after taking helicopters on a golf outing. But instead of sealing Foster's office, you asked Watkins to do it.

Now it is my understanding you called Watkins the night of Foster's death and asked him to do this, and he said he would?

Ms. BRAUN. As I said, before I left the notification scene I asked for him to ensure that that was done.

Senator FAIRCLOTH. But he didn't. That evening, Bernard Nussbaum, Maggie Williams, and Patsy Thomason made an unauthorized entry into Foster's office and took the Whitewater files. They kept the Whitewater documents out of the hands of law enforcement authorities.

The CHAIRMAN. I think——

Senator DODD. Mr. Chairman, that is not a question for this session. That is getting into a whole other area that we have already agreed is not going to be a subject here.

The CHAIRMAN. Let me just raise a concerned here, Senator Faircloth. I think anything at this point that moves us over into the area of the documents that were in the office, how they were handled, who did what, where they went, I think that clearly in my view is what Mr. Fiske has said he is pursuing, and he is not finished with that, and he has asked us in writing to leave that aside until a later time.

Senator FAIRCLOTH. Well, if this does not get right into the Park investigation, we are not asking what was in the files. I am just saying, did they take them?

You know, it is my understanding that he was saying you cannot get into what was in the files. My question is merely the handling of the material itself. I am not pursuing what was in them. I just want to know how it was handled.

The CHAIRMAN. I am not sure that you can separate one from the other. I think what the record shows is the Park Police were not allowed in at that particular time. But in terms of what then followed: who did what? what were the records? where did they go? does the Special Prosecutor have a concern about it? and so forth, in my view he has ruled that off limits because he is actively investigating that.

Senator SARBANES. Mr. Chairman?

The CHAIRMAN. Senator Sarbanes.

Senator SARBANES. The letter from Fiske to you and to Senator D'Amato says:

As I advised you in our meeting today, our investigation into the handling of documents in Vincent Foster's office is continuing. There are questions that are unanswered at this point which we must do our very best to try to resolve before we complete the investigation.

We believe the public hearings on the subject of the handling of documents in Mr. Foster's office while this investigation is continuing could prejudice our investigation.

That is Fiske's letter to you and Senator D'Amato, and that is why the third item, which under the Resolution we otherwise would have had hearings on here today—not today, but during this series—was not scheduled for hearing.

Now, the handling of the documents goes beyond their content. Obviously that is part of Fiske's investigation. I think we need to be very careful about that if we don't want to interfere with or adversely affect his investigation.

The CHAIRMAN. Let me make sure, Senator Faircloth, your time is restored so that you do not lose your time based on my comment and on Senator Sarbanes'. But, again, without taking your time, I want to say to you that in due course those questions will be asked and will be answered. So I do not want to leave any suggestion here that we are not going to get those answers at a proper time.

Senator FAIRCLOTH. Let me ask another one very quickly and see if it qualifies. Did Robert Fiske ask you about asking David Watkins to seal Foster's office?

Ms. BRAUN. I am not sure I understand the Senator's question.

Senator FAIRCLOTH. Did Robert Fiske, has he asked you all about your telling David Watkins to seal Foster's office? Have you discussed that with Robert Fiske?

Ms. BRAUN. I did not personally speak with Mr. Fiske.

The CHAIRMAN. Excuse me, Ms. Braun, did you testify before the Grand Jury?

Ms. BRAUN. I testified—I did a deposition before coming here, sir, and I also spoke with the FBI Agent, Bill Colombell.

The CHAIRMAN. I think we might want to check on that point. Anything she said in our deposition I think is open for discussion here. But if that interview would be what is called 6(e) material that was done for the Grand Jury, I want to be sure that we are not crossing the line into the very area that Fiske has said please do not interfere with this because I have got an active investigation underway.

Senator FAIRCLOTH. All right. I will go on.

Ms. Braun, the Park Police says it lost control of the investigation on July 21, the day after Foster's death. These are quotes: "If it lost control because—did it lose control because of White House interference?"

Here are some of the things that happened.

Ms. BRAUN. Senator, may I interrupt you before you continue? I think I should let you know that I had no involvement in this case past the morning of the 21st. I briefed Captain Hume that morning and then I was no longer involved with the case. I was going to be promoted within a week of that time.

Senator FAIRCLOTH. How about you, Mr. Rolla?

Mr. ROLLA. I was involved. I wasn't aware that we lost control. I was aware of certain things going on, but I was never aware that we ever lost control.

Senator FAIRCLOTH. All right, I will skip over to Dr. Beyer.

Dr. Beyer, did you actually perform the autopsy on Mr. Foster?

Dr. BEYER. Yes, sir.

Senator FAIRCLOTH. You did it yourself?

Dr. BEYER. [Nods in the affirmative.]

Senator FAIRCLOTH. Dr. Beyer, Robert Fiske devoted over 70 pages in his report to the biographies of the pathologists, but none of them ever saw the body. Is that correct? Except you?

Dr. BEYER. That's correct.

Senator FAIRCLOTH. That's correct?

Dr. BEYER. Yes, sir.

Senator FAIRCLOTH. He devoted 70 pages to the biographies of people who never saw the body.

Dr. BEYER. That's correct.

Senator FAIRCLOTH. Dr. Beyer, your autopsy report indicates that you took X-rays of Mr. Foster.

Dr. BEYER. I had anticipated taking them, and I had so stated on one of my reports.

Senator FAIRCLOTH. Your autopsy report says you took X-rays of Mr. Foster. Did you?

Dr. BEYER. No, sir.

Senator FAIRCLOTH. Why did you say you did if you didn't?

Dr. BEYER. As I indicated, I made out that report prior to actually performing the autopsy. We'd been having difficulty with our equipment, and we were not getting readable X-rays. Therefore, one was not taken.

Senator FAIRCLOTH. What was wrong with the X-ray machine?

Dr. BEYER. We had a new machine; we had new grids; and we had a new processor. We were having a number of problems.

Senator FAIRCLOTH. Why didn't you call Fairfax Hospital and arrange for a portable X-ray machine to be brought in for your use in such an important occasion?

Dr. BEYER. Because this was a perforating gunshot wound. If it had been a penetrating one, I would have gotten an X-ray of the head.

Senator FAIRCLOTH. Do what, now?

Dr. BEYER. If it had been a penetrating gunshot wound, then an X-ray would have been a requirement.

Senator FAIRCLOTH. Well, was it not "penetrating"?

Dr. BEYER. No, sir. It was perforating.

Senator FAIRCLOTH. What did it do?

Dr. BEYER. It was in and out.

The CHAIRMAN. Do I understand you to say that the terminology you use when it is done in that way is it is a perforating wound, as opposed to a penetrating wound? Is that what you are saying?

Dr. BEYER. "Perforating" indicates a wound of entrance and exit.

The CHAIRMAN. Right.

Dr. BEYER. "Penetrating" is a wound of entrance with retention of the missile.

The CHAIRMAN. I see.

Senator FAIRCLOTH. Is it your standard procedure to make out an autopsy report before you do the autopsy?

Dr. BEYER. I don't complete the autopsy report. I complete papers that I am going to use.

Senator FAIRCLOTH. The papers are the autopsy report, aren't they?

Dr. BEYER. To me the autopsy report is the first and second page, which includes my findings.

Senator FAIRCLOTH. But you make this out before you do the autopsy?

Dr. BEYER. This particular form I did, yes.

The CHAIRMAN. Now excuse me. Would you yield—well, I will wait until you finish.

Senator FAIRCLOTH. Did you or the Medical Examiner's office have your servicing company come in and fix the X-ray machine?

Dr. BEYER. We were trying to remedy our problems. At that particular time we were not getting readable X-rays.

Senator FAIRCLOTH. When was it repaired?

Dr. BEYER. I have no X-rays in my files between July 6 to the 26. After July 26, 1993, we were getting X-rays.

Senator FAIRCLOTH. You mean for 20 days you ran a coroner's office and did autopsies without an X-ray machine?

Dr. BEYER. We don't take X-rays on very many cases. Primarily only gunshot cases.

Senator FAIRCLOTH. The Park Police officers who were present at the autopsy said you told them not only was an X-ray taken, you also told them the results of the X-ray. How do you account for the contradiction?

Dr. BEYER. I have no explanation because I did not take an X-ray.

Senator FAIRCLOTH. How did you tell the Park Police the results of an X-ray that you didn't take?

Dr. BEYER. I don't recall telling them that statement.

Senator FAIRCLOTH. Well, they do.

Dr. BEYER. I have no explanation.

Senator FAIRCLOTH. Has Robert Fiske ever talked with you?

Dr. BEYER. No, sir.

Senator FAIRCLOTH. Robert Fiske has never talked to you?

Dr. BEYER. No, sir.

Senator FAIRCLOTH. So needless to say, Robert Fiske didn't ask you about the contradiction between you reporting what the X-ray showed that was not taken.

Dr. BEYER. The people on his staff that came to visit me, that explanation was given to them.

Senator FAIRCLOTH. What was the explanation?

Dr. BEYER. The equipment was not working, and I saw no need to take an X-ray.

Senator FAIRCLOTH. You saw no need to take an X-ray?

Dr. BEYER. No, sir.

Senator FAIRCLOTH. How did Robert Fiske decide to believe you instead of the police report or autopsy report? Did he send investigators to the hospital, or to the company that services the X-ray machine?

Dr. BEYER. Not that I'm aware of.

Senator FAIRCLOTH. Dr. Beyer, your report indicates that the blood samples that you provided the toxicologists had no traces of drugs in it. Yet, when the FBI lab tested Mr. Foster's blood, they determined that there were traces of antidepressant drugs in his system. Did Robert Fiske ask you about this contradiction?

Dr. BEYER. No, sir.

Senator FAIRCLOTH. He did not ask you about it?

Dr. BEYER. No, sir.

Senator FAIRCLOTH. Thank you.

The CHAIRMAN. Senator Dodd, you are next here, but would you permit me to just try to clarify one thing in my mind——

Senator DODD. Yes. I presume it is the same question I have in my mind——

The CHAIRMAN. Why don't you——

Senator DODD. No, you go ahead——

Is this a standard form? Normally is it a checklist that you go down of what you are going to do?

Dr. BEYER. These are forms that frequently I will make out ahead of time in preparation for the autopsy. This particular one, there is a place for photographs. There's a place for X-ray. I put the——

Senator DODD. What do you mean by "a place"?

The CHAIRMAN. Well, here you can see it on this form.

Dr. BEYER. It was a check.

Senator DODD. It is a checkmark?

Dr. BEYER. That's correct.

Senator DODD. In other words, it is a standard form you use?

Dr. BEYER. That's correct.

Senator DODD. You would check the various things you were going to do in the normal course of conducting an autopsy with a violent death, a gunshot death?

Dr. BEYER. That's correct.

Senator DODD. You did not know the condition of your X-ray machine at the time you filled out that form?

Dr. BEYER. We were having trouble with it. Some days we would get a partial readable X-ray. Other days, we wouldn't.

Senator DODD. But in this case if it were working, you would have done an X-ray?

Dr. BEYER. Yes, sir.

Senator DODD. You checked on the form that that is what you intended to do?

Dr. BEYER. My error was not in removing the "yes" when I finalized the autopsy.

Senator DODD. That is the only incorrect mark on this autopsy form?

Dr. BEYER. That's correct.

The CHAIRMAN. Now, if you will permit me to just go one step further. I take it that that report is two or three pages of which the front page is sort of the checklist of things that you intend to do with respect to this autopsy, and then it is the subsequent pages that, in fact, provide the analysis that you develop in the course of actually performing it, so that you have got to read all the way through to the end to really get to what you determine? Am I right about that?

Dr. BEYER. Yes, sir.

Senator FAIRCLOTH. Mr. Chairman, may I ask another question?

The CHAIRMAN. Yes, of course.

Senator DODD. I presume I can capture my time?

The CHAIRMAN. Yes.

Senator DODD. I will be glad to yield if he wants to go further with it.

Senator FAIRCLOTH. Dr. Beyer, you checked on this report, I assume, that you were going to take an X-ray. You just testified your machine had not worked for 15 days when you checked it.

Dr. BEYER. It was variable in the way we could use it. On that particular day, it was not producing a readable X-ray.

Senator FAIRCLOTH. Did you look at your forms before you filed them to check them for accuracy?

Dr. BEYER. Apparently I did not check that one, or else that would have been erased.

Senator FAIRCLOTH. All right. Thank you.

The CHAIRMAN. But I guess your testimony to us, and I think it is important because your reputation is at stake here, too, that that is noted in error. You put it down there thinking you were planning to do the X-ray. You were not able to do the X-ray because this machine sometimes works and sometimes didn't. It did not when it needed to in this case, and you forgot to remove the checkmark. So that was an inadvertency on your part, and that is your explanation?

Dr. BEYER. That's correct.

Senator DODD. Mr. Chairman?

The CHAIRMAN. Yes, Senator Dodd.

Senator DODD. That is the point. Just to put this in the context of everything here. The fact that there was or was not an X-ray of Mr. Foster in no way would have changed the conclusion of the analysis that you drew as a result of conducting the autopsy?

Dr. BEYER. That's correct. If I had felt that we needed an X-ray, I would have sent the body out to one of the hospitals for an X-ray to be taken. As I indicated previously, in perforating gunshot wounds, the X-ray is not mandatory. When we want to visualize the retention of a missile in a penetrating gunshot wound, then it is a mandatory procedure.

Senator DODD. Let me state that I want to commend all three of you. Under the circumstances here, I think you did a very good job. It is not always easy for people a year later to go back—you do not anticipate that you are going to be the subject of a Senate inquiry and have thirty-some-odd Senators start grilling you about everything you did.

I think you did a good job. I am not an expert in this area, but having gone over your depositions and listened, I think you did very professional work.

The CHAIRMAN. Plus, you do hard work. I mean, if I may, excuse me for interrupting, I appreciate the difficulty of the assignment you have. To be police officers, investigating death scenes, talking to the families, trying to sort these things out, to do autopsies, to try to figure out what happened in a violent death and so forth, this is difficult work and it ought to be respected and I want to add my voice to Senator Dodd's. I appreciate the fact that you do this work.

Senator DODD. Dr. Beyer, let me say particularly in your case that you have had a distinguished career over many, many years. I was disturbed to see some reports alleging behavior in a particular case where you did not have all the information to draw the

conclusions. I think that kind of reporting and that kind of effort to discredit someone who has done more than 25 years of work in this particular office is just the kind of scurrilous reporting that I think does not serve anyone's interests well at all.

Dr. BEYER. Thank you.

Senator DODD. I want the record to reflect that. I am expressing my own opinion here, but I suspect it is the opinions of most of my colleagues who admire what you do, and I commend you for your career and the work you have done.

Dr. BEYER. Thank you.

Senator DODD. In the case of both of our Park Police Officers here, Mr. Rolla and Ms. Braun, you have become more familiar with this case than you ever imagined, and I suspect you now know that Web Hubbell was a personal friend of Mr. Foster. You now know that, I presume?

[The witnesses nod in the affirmative.]

Senator DODD. You know that he spent the weekend with him prior to this tragedy, and that, in fact, they had worked together in Arkansas. So that more than just being a colleague at the White House, this was someone who had had a long and very close relationship with the Foster family.

Does that in any way, Ms. Braun—and I appreciate you trying to do your job, not being fully aware of who this individual is in the circumstances—now knowing the relationship between Mr. Hubbell and Mr. Foster, in that context does his behavior at that particular couch seem more understandable in a personal sense than it might have otherwise been?

Ms. BRAUN. Senator, yes, it does. I don't think I have ever tried to say that he did anything wrong. I think at the time I was a little offended. It was very rude. I don't normally get treated that way. I think I did try to look at everything even that evening in the light of the fact that this was a very serious incident that had occurred, and a very disturbing thing.

I think that we used a lot of understanding. It is probably one of the reasons why we went ahead and left without getting a lot of the answers that we wanted.

Senator DODD. As I understand, you testified prior to this that this was your second notification of a family in a violent death?

Ms. BRAUN. No, it was probably more like my fourth or fifth. I had a year and a half in the office, and I had done a few previously on fatal motor vehicle accidents.

Senator DODD. And Mr. Rolla, I guess this was your first?

Mr. ROLLA. Yes. I primarily did narcotics investigations for 5½ years before this. I worked with DEA for 2 years.

Senator DODD. I meant notification of a family.

Mr. ROLLA. This was a first time for notification, yes.

Senator DODD. First-time notification.

Again, Mr. Chairman, I appreciate the responses of our witnesses. I have never had to do this at all. I have been involved in situations where people have been ill, or sick, and there is an expectation involved, but I presume that where a violent, totally unexpected under the circumstances, shocking occurrence happens, that people react.

I think Ms. Braun, or Mr. Rolla, you may have said, that people react differently in these circumstances, and that it would not be an unexpected reaction of a family to react in a way that the family, friends, and close friends of Mr. Foster did under these circumstances.

In light of the fact that you, Ms. Braun, have conducted four or five notifications, and I suspect, Mr. Rolla, now that you have maybe been involved in a few more since then, would you agree with that? Am I off base in saying that, or is that something that both of you would agree with?

Mr. ROLLA. I agree.

Senator DODD. Do you agree with that, Ms. Braun?

Ms. BRAUN. Every situation is different, yes. I agree.

Senator DODD. I thank you.

Mr. Chairman, I thank you.

The CHAIRMAN. I want to, if you would permit me just to make one comment, too.

As I read through this report initially and also followed most of the accounts of what happened, I think in his circle of friends, after this tragedy happened, there was not only a tremendous sense of shock and dismay, but also people were angry at themselves that somehow they had not sensed how depressed this man was, and that they had somehow not found a way to take an action to head this off.

In other words, I think there was an additional kind of self-grief that they were feeling and probably an anger that they did not see the signs, that they did not figure out a way to interpret this and stabilize him and to prevent such a horrific event from happening. I think that is how I would feel. Especially if I had been with somebody the weekend before and maybe was angry with myself that I had not somehow been more discerning or I had not somehow done something else to try to prevent this.

I think that is a natural feeling to have, and it would not surprise me—this is just supposition on my part—that that would have been part of what was swirling through some of those people at that moment. But that is strictly my opinion.

Senator DODD. Mr. Chairman, I think that is a very astute observation and I would agree with that, as well.

The CHAIRMAN. Senator Mack.

Senator MACK. I first want to say that there may be the impression here that we are trying to suggest that you all have done a bad job. That is not what we are doing at all.

I am simply trying to find out whether there was any "pressure" applied. I can only imagine how I would have reacted if I had been in your position and the President of the United States showed up at the investigation scene. I think that would have ended my pursuing anything at that time. Did you get a sense when he walked in that you were not needed there any longer?

Ms. BRAUN. Senator, that is correct. As a matter of fact, after the President got there we stayed for a few minutes, and we realized that there wasn't going to be much more information that we were able to gather at that time, so we left.

Senator MACK. Again, I do not fault you for that. We are talking about the President of the United States. So I guess the word I would use is not "pressure" but in a sense "intimidated."

Ms. BRAUN. Intimidating, awestruck, maybe.

Senator DODD. Would you repeat that? I am sorry, I did not hear that.

The CHAIRMAN. Awestruck, she said. But you know, Senator Mack, if you will permit me, intimidation carries two connotations. One is that somebody comes up and tries to strong-arm somebody, and the other is that somebody, in and of themselves, is intimidated in a sense by the arrival of a powerful person.

And I think——

Senator MACK. Mr. Chairman, may I ask you a question?

The CHAIRMAN. Sure.

Senator MACK. How are we going to conduct these hearings? Am I going to be allowed to pursue questions——

The CHAIRMAN. Of course.

Senator MACK. —with the witness——

The CHAIRMAN. Of course you are.

Senator MACK. —without interruption from the Chairman?

The CHAIRMAN. Absolutely. And I would never be discourteous to the Senator from Florida, as he knows.

Senator MACK. I know that, but I just want to reaffirm what——

Senator DODD. I would say to my friend, if there are going to be statements made that some of us disagree with, we are going to challenge those statements.

Senator MACK. You have your 7 minutes.

Ms. Braun, is it normal for the police to issue a press release on a death within Park bounds?

Ms. BRAUN. Yes, sir, it is.

Senator MACK. What happened in this case?

Ms. BRAUN. We were requested to hold off on making our press release so that the family could get a person to Mr. Foster's mother in Hope, Arkansas, so that they could do the notification in person, and she would not have to hear about it over the television.

Senator MACK. Was any press release sent out?

Ms. BRAUN. By the Park Police?

Senator MACK. Well, let me ask it this way: Did you, or the White House, send out the press release?

Ms. BRAUN. Before we returned to the office, or I guess shortly after I returned to the office, I was advised that a statement had already been released by the White House.

Senator MACK. Is that usual?

Ms. BRAUN. No.

Senator MACK. Mr. Rolla, in your deposition you stated that someone was very interested in picking up Mr. Foster's personal papers, and they called you at home and wanted to break your office desk open. Is that an accurate statement?

Mr. ROLLA. No, not really. Not his personal papers. His personal items which included——

Senator MACK. No one said to you that they were going to break your desk open?

Mr. ROLLA. The whole statement—do you want the whole statement?

Senator MACK. I just was asking the question about breaking the desk open.

Mr. ROLLA. There's two parts: personal papers, you said. That's not correct.

Senator MACK. OK, what were the papers, then?

Mr. ROLLA. The personal "effects," which were, I believe, a wrist-watch and two rings, and his wallet, which contained around \$280, a number of credit cards, identification, and miscellaneous personal papers. And Xerox copies had already been made of everything that was in his wallet.

Senator MACK. And the desk?

Mr. ROLLA. The evidence had been put into a locked locker that I had a key to, only that key was locked in my desk, and I was at home. I was advised that someone from the White House was coming down. They wanted to get the personal effects because President Clinton wanted to present them to Mrs. Foster before she left town, or for whatever reason, President Clinton wanted to present the personal effects to Mrs. Foster.

So there was some kind of rush to get these personal effects. But again, everything in the wallet, including personal papers had already been Xeroxed. We had copies of everything if we needed it.

Again at this time we were still conducting our death investigation based on an apparent suicide, and there was no reason to keep anything that we had copied. We had the information at our hands.

Senator MACK. I guess I am a little surprised after reading the deposition with the comments about someone suggesting they were going to break into your desk to get these items. Apparently that is wrong?

Mr. ROLLA. No, that is right. It was locked in my desk, and I had the key. But I had an extra key there. When they called me, they told me they needed them. I said, well it's locked in my desk. I have the key at home. I forgot I had a second key there. Then, again, people are surprised about the White House, but I guess President Clinton wanted to give these things to Mrs. Foster and present them in a way of personal friends. They were going to break my desk open to get that key, to get the evidence out of the locker, until I remembered I had another key.

Senator MACK. And that didn't surprise or shock you at all that night?

Mr. ROLLA. I wasn't happy about my desk going to be broken open—

[Laughter.]

Mr. ROLLA. —but—I'm not trying to be funny, but it just doesn't shock me that in this case, again, this is high White House officials. This is not a normal case. This doesn't happen with a homicide I'm working, or other suicides or death investigations I've done. Nobody knows anything about those. Nobody cares.

This case, the White House is involved. They want it. The President was personal friends. He wants to present it. No, it didn't surprise me that the White House was sending somebody down there. One way or another they were going to get that. That didn't surprise me. Whether they had to come and pick me up and bring me in there, or they were going to break my desk open, that didn't surprise me.

Senator MACK. I gather not much surprises you?

Mr. ROLLA. No.

Senator MACK. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Murray.

Senator MURRAY. Thank you, Mr. Chairman.

I echo Senator Dodd's words. I know how difficult this has been and how tough it is to go back to a year ago and try to remember everything that occurred on an evening.

There have been some hints that there may have been some kind of obstruction to your access to information the night of the Foster suicide, and I just want to walk back through that with you for a minute.

When you arrived at the Foster home and informed Mrs. Foster that her husband had apparently committed suicide, what was her reaction?

Ms. BRAUN. It was a normal reaction of grief. She was hysterical, visibly shaken, as Investigator Rolla said, she collapsed on the stairs. It wasn't an unusual reaction for somebody being told that their husband was dead.

Senator MURRAY. Then over the next hour, other people showed up at the scene. And Sgt. Braun, you testified that Webster Hubbell pushed you out of the way at the Foster home. Do you think he did that in an attempt to cover something up? What was your reaction?

Ms. BRAUN. As I said previously, I really hadn't gotten far enough with any kind of questioning. I was trying to build rapport. I really don't know what his purpose was in pushing me away. I think it was, in and of itself, rude but I think it was done to comfort Sheila Anthony.

Senator MURRAY. I can imagine your feeling that it was rude. I can also imagine what it would be like to be a wife sitting in a home and someone knocks at your door and it's two police officers telling you that your husband has committed suicide.

When friends show up, my immediate reaction would be to go to my friends, not to two police officers I haven't ever seen before. Do you think that was perhaps her reaction?

Ms. BRAUN. No. I wasn't really having any difficulty in talking to Sheila Anthony. I just didn't get very far.

Oh, Mrs. Foster?

Senator MURRAY. Mrs. Foster.

Ms. BRAUN. No. I didn't have much contact with Mrs. Foster. John did a better job in speaking with Mrs. Foster.

Senator MURRAY. I would think that most people would not be thinking about a police investigation the moment they have heard about a death of someone they loved. They would be thinking about the tragedy and how they are going to deal with that.

I mean, it is surprising to me that an investigation would occur so immediately. I am not a policeman or a lawyer so I don't know what is normal. But it just seems to me that my own personal reaction would be, I don't want to talk about this to two people I don't know. I want to be with people that I know and I love. Wouldn't you assume that's correct?

Ms. BRAUN. Yes.

Senator MURRAY. So from your perspective, do you feel that anyone was trying to obstruct you in trying to get information that night?

Ms. BRAUN. No, I wouldn't say they were.

Senator MURRAY. And then the President of the United States showed up.

Ms. BRAUN. That's correct.

Senator MURRAY. That must have been a very surprising moment.

Ms. BRAUN. It was unexpected.

[Laughter.]

Senator MURRAY. Did anyone ask you to leave? Or did you just come to the conclusion that—

Ms. BRAUN. No one asked us to leave. We just were not able to really get any information. The two people that we would have liked to speak to, the President was consoling, which is understandable—those being Lisa Foster and her daughter Laura.

At that point, we just kind of assumed we would come back at a later date and get the information that we were trying to seek.

Senator MURRAY. And finally to all three of you, is it your opinion that Vince Foster committed suicide?

Ms. BRAUN. Yes.

Mr. ROLLA. Yes.

Dr. BEYER. No question.

Senator MURRAY. Thank you.

The CHAIRMAN. Senator Faircloth.

Senator FAIRCLOTH. Yes, I do have one or two more.

Mr. Rolla, someone from the Park Police called you and said they would break into your desk to get these papers. Someone from the White House called the Park Police to get these papers. Who called you?

Mr. ROLLA. Who called me?

Senator FAIRCLOTH. Yes. Who was it called you and told you they were going to break into the desk?

Mr. ROLLA. It was Lt. Cass.

Senator FAIRCLOTH. Who?

Mr. ROLLA. Lt. Robert Cass, my Lieutenant.

Senator FAIRCLOTH. Oh, your Lieutenant from the Park Service?

Mr. ROLLA. No. Park Police.

Senator FAIRCLOTH. The Park Police. OK.

All right, Mr. Rolla, I am a little confused about one thing. This is not an important question, but I will try to clear my mind. I am confused about the layout at Fort Marcy Park. I understand that there are two cannons in the Park. One is nearer the parking lot, and the other is farther away near Chain Bridge Road. When you found Mr. Foster's body, which cannon was it located near?

Mr. ROLLA. It was near the second one which is closer to Chain Bridge Road, but it is not—it's hard to tell the difference. It is not right next to it. It is elevated, and the trees and the foliage are so thick at that time you could not even see the roadway. But it was at the second cannon.

Senator FAIRCLOTH. Mr. Chairman, here is something that we have not heard mentioned. With all of the lawyers that were at the

Fosters' house that night, and all of the lawyers in the White House, I don't see why it ever proceeded to the point it did.

The U.S. Park Police had no business being the lead investigator in Vince Foster's tragic death anyway. In fact, it would have been against the law for them to do so. Under the law, the FBI has the responsibility to investigate this case from beginning to end. I want to say why the FBI has the duty to investigate this case under the law.

An FBI investigation is what everybody would expect when Foster died. He was a high Government official. His body was found on Federal land, and the Park Police do not have a lot of training in investigating homicides. It is not their normal operation.

First of all, Foster was a high Government official, and there is a law called the Presidential and Presidential Staff Assassination Statute. It covers the President, the Vice President, and the top 25 appointed people in the White House. Foster was one of the top 25.

What the law says is that a killing or an assault on a high Government official shall be investigated by the Federal Bureau of Investigation. So the FBI was required by law to investigate because Foster was a high Government official.

Then there is the law establishing the FBI. The FBI has the general authority to investigate crimes against the United States, and that would include possible homicides committed on Federal land. A national park like Fort Marcy is Federal land. It is also true that on Federal land they do not necessarily have to be a high Government official. Another part of the same law allows the FBI to investigate possible Federal crimes involving a Government officer or official.

Park Police enforcement authority is much more limited. The Park Police authority comes from the National Park Service Act and the law says "may conduct investigations of offenses against the United States committed in that System," which refers to the Park System, "in the absence of an investigation by any other Federal law enforcement agency having jurisdiction over the offense committed or with the concurrence of such agency."

So any way you look at it, the Park Police are a secondary investigative agency. The National Park Service law says that even if the Park Police investigate a possible crime in a national park, the jurisdiction of the FBI or anybody else is not limited by that investigation. In other words, most any other investigative arm of the Federal Government can override the Park Police.

Given these legal justifications for the FBI to have been and should have been the lead investigative agency, why were the Park Police in charge of the investigation? Does anybody know that?

Mr. ROLLA. Do you want an answer?

Senator FAIRCLOTH. Excuse me?

Mr. ROLLA. Do you want an answer?

Senator FAIRCLOTH. Yes, I want an answer.

Mr. ROLLA. Because it was an apparent suicide, not a homicide. We do have training in homicide and death investigation. In fact, we probably handle more routine death investigations than FBI agents handle. We see the same training as Metropolitan Police. We receive training from the FBI in death investigations.

The FBI was notified of this. They reviewed it, and they found no evidence of foul play or anything other than a suicide, and they left it to us. They were brought in.

Senator FAIRCLOTH. In other words, you called—when did you call the FBI?

Mr. ROLLA. I didn't call them.

Senator FAIRCLOTH. Who did call them?

Mr. ROLLA. I would imagine reports were FAXed to them. I don't know. An official probably called the FBI.

Senator FAIRCLOTH. When did he call?

Mr. ROLLA. I believe they were notified the next day.

Ms. BRAUN. I was going to say, that question would probably be better asked to Capt. Hume.

Senator FAIRCLOTH. And the FBI said, we don't want to get into it? You, the Park Police, are wonderful and you are experts in this, and you get on with it? Is that what they said?

Mr. ROLLA. I believe when the FBI agents were here before they told you that the next day they were notified and they were brought up to the White House to review the stuff, and it was an apparent suicide and they were not going to be involved in the investigation. They told you that.

Senator FAIRCLOTH. I have another question, just to clarify another question. Who called your lieutenant to call you so that someone could get into your desk? Who called your lieutenant?

Mr. ROLLA. I don't know.

Senator FAIRCLOTH. Do we know whether Robert Fiske asked the Park Police, not the FBI, asked why the Park Police rather than the FBI were investigating Foster's death?

Mr. ROLLA. Because we had jurisdiction. I don't know if he asked anybody.

Senator FAIRCLOTH. All right. Thank you.

The CHAIRMAN. Senator Sarbanes.

Senator SARBANES. Mr. Chairman, in light of the, in effect, statement, I think rather than question that Senator Faircloth just put, I would like to read from the Fiske Investigative Report, and in fairness I think to the two witnesses who are at the table.

Park Police Investigation: Investigative Jurisdiction.

Because Foster's death occurred in a National Park, the Park Police as part of the Department of the Interior had jurisdiction to conduct the investigation.

Park Police Chief Robert E. Langston stated that the Park Police have historically had primary investigative jurisdiction for crimes or possible crimes committed within Federal parks.

The FBI would have had primary investigative jurisdiction if the circumstances fell within the Presidential and Presidential Staff Assassination Statute, Title 18 U.S. Code, §1751. That statute makes it a Federal crime to, among other things, kill the President, Vice President, or specified number of persons appointed by the President or Vice President. The statute further provides that violations shall be investigated by the FBI.

Based on a preliminary inquiry by the FBI which failed to indicate any criminal activity, the FBI's inquiry into this matter was closed.

And he then goes on to say:

At the request of this office, the FBI re-entered this investigation in February of 1994.

So you, in effect, were carrying out an historically traditional Park Police activity and responsibility, as I understand it. Was that your understanding?

Ms. BRAUN. That's correct.

Mr. ROLLA. It is a routine function. Death investigation is a routine function of the Park Police.

Senator SARBANES. Fine. Thank you very much. I think that answers that point.

I just want to make a couple of observations, Mr. Chairman—
The Chairman. Senator Sarbanes.

Senator SARBANES. —because I know we are late in the day.

First of all, I must say to the two Park Police that others have commented about the difficulty of your job. I find it difficult to comprehend arriving at someone's home to tell them—it's a little bit like what Senator Murray was saying—telling them that a suicide has taken place, and that their husband or father is gone; and then—I understand what you were trying to do—but then to proceed into an investigation.

It just seems to me that the emotional reaction to the news, the shock of it, and the horror of it, and the tragedy of it is such that it would make the questioning very difficult to handle.

I would think that the sort of responses that Senator Murray outlined would be natural responses, and I am frank to say I understand an effort to delay a public announcement in order to get to the man's mother so she does not learn about it over the television. I think that is quite understandable.

Now, Ms. Braun, Senator Mack said to you "is it usual to have statements of the death of a victim released by the White House" and you said "no." Correct?

Ms. BRAUN. Well—

Senator SARBANES. Let me ask you this question. It is not usual to have a suicide victim who works at the White House, either, is it?

Ms. BRAUN. It is very unusual.

Senator SARBANES. Now let me ask you, Mr. Rolla, about these personal effects.

I take it the key to the locker was in your desk? Is that the fact? The personal effects were in the locker?

Mr. ROLLA. They were in a locked locker, and I had the key.

Senator SARBANES. You had a key, and there was another key to the locker in your desk?

Mr. ROLLA. There was one key to the locker, and that was locked in my desk. I had two keys to my desk.

Senator SARBANES. OK.

Mr. ROLLA. One was with me, and other I forgot that I had saved and locked in a briefcase at work.

Senator SARBANES. So this, quote, sort of "breaking into your desk," that was just to get the key to open the locker? Right?

Mr. ROLLA. That is correct.

Senator SARBANES. Now you recalled that you had another key down there? Is that right?

Mr. ROLLA. Right.

Senator SARBANES. Where was that key located?

Mr. ROLLA. After I got through the original phone calls and it started to sink in, I remembered I had a second key to my desk. *It's in a briefcase I keep at work that had a combination lock. I*

gave them the combination to the briefcase so they could retrieve the other key.

Senator SARBANES. So they got the key out and got the personal effects out of the locker.

Mr. ROLLA. Correct.

Senator SARBANES. You had no problem with returning the personal effects because everything in the personal effects that you thought was relevant to the investigation you had made either copies of or notations of. So you had the information that you thought might be relevant or needed with respect to the personal effects? Is that correct?

Mr. ROLLA. I had the information I needed, but in another circumstance I wouldn't have returned the personal effects then, that way. I would have saved it for myself to return. It gives me a second opportunity to meet with the family and talk to them and re-interview them about other things.

Senator SARBANES. I see.

Mr. ROLLA. That was not my first choice to do that, but again I was at home and had not much say in the matter.

Senator SARBANES. OK. Thank you very much.

The CHAIRMAN. Senator D'Amato.

Senator D'AMATO. Mr. Chairman, I have not engaged in any questions as it relates to this aspect of our hearings and our witnesses, but I would just like to make an observation.

It seems to me the kinds of things they have told us and reported to us are things that we could absolutely understand, or at least this Senator could. I mean, the fact of a death, the body being found, a loved one, I wouldn't let you speak to my sister or my friend. I would tell you this isn't the time. I think you have to understand that. I certainly do; and I believe that to be the case.

I think to try to read any more or any less into that aspect would do us a disservice, to be candid with you.

I think sometimes we have a tendency when we look at things, literally what do you mean, et cetera, when you give your depositions, the scene that is described had to be horrific. It had to be horrific for that family.

Web Hubbell I have no great grief for, but Sheila Anthony was his comrade, his friend, his sister's friend, worked with him, and I could see him coming in and putting his arms around and saying come on over here. I certainly do not think he meant to be abusive to the Agent, and I think Ms. Braun recognizes that.

It is easy to be startled, et cetera, but it is only as it relates to that aspect. That is what it seems to this Senator.

I want to tell you, obviously given the significance of the person who died, given the significance of all those people who knew him, given the President coming in, I mean this certainly was not usual. It was totally unusual. We have to recognize that, regardless of who the personalities were in any one of those situations.

So I would just tell you I think you did a good job under unusual circumstances. Any kind of death in this manner is horrific, but given the extra dimension surrounding it, I want to commend our officers.

Dr. Beyer, listen, you operate under tough circumstances. I think sometimes some of our most important agencies get short shrift. You do not really recognize how important the coroner's bureau is.

We have got Leslie Lukash in my County who has been there for I don't know how many years. He is an institution. You probably know him or have heard of him, and he continually has to fight that battle to get adequate funding.

But it does, given the nature and the seriousness of this case and all the circumstances surrounding it, give cause for people to ask, well, how come some of these things weren't done as they should be or how it appears it was done.

In closing, let me say for the record, Mr. Codinha, Mr. Chertoff, those are our two counsel, and the Chairman have been extraordinary in attempting to give us the opportunity to raise the kinds of questions that should be raised, and I think we have gone to extraordinary lengths to provide comity.

I hope that we can continue, and I think we can. It is important for this institution and for the Committee. It is important for the job that we undertake that we work in that manner.

We have our little back and forths as it relates to some politics that come in. We have not been without our own overstatements at times, this Senator included, but the fact of the matter is it does not mean that we should not grant to each other the kind of latitude that extends to people working together in good faith and in a good faith effort. I have to tell you, I have seen that good faith effort over and over again.

So I want to tell you, Mr. Chairman, I appreciate the comity of your staff. I cannot say this all the time as it relates to the other side of the aisle because, politically down on the Floor, we have our tugs and battles, and Lord knows I am in there too on the other side. But I have to say that as it relates to the charge that we have from the Senate overall, you have been extraordinary in attempting to deal with our concerns. I just think that has to be said.

The CHAIRMAN. Thank you. I think everyone has worked cooperatively. There are multiple points of view, but I appreciate the co-operation.

I appreciate the work of the professional staff, I might just say, particularly to this panel, that the staff that has been assisting us has been working 7 days a week. You folks have gone out on those kinds of details. So everybody is a little tired just in terms of preparing to meet our start date which was mandated to us of today.

So I want to thank everybody for the record. There will be points at which there are some differences of opinion that have to be reconciled, and that is the nature of things. I think if we can continue to do it with good will and understanding and listening to one another, we will get our work done and people will know what they need to know, and we can do a thorough and complete job.

Thank you.

Does anybody else seek recognition?

[No response.]

The CHAIRMAN. Gathering not, then the Committee shortly will stand in recess. Let me also, before I adjourn, take this report, the official bound report of the Independent Counsel on the Subject of

Vincent W. Foster, Jr., and make this an official part of our record.
Without objection.

The Committee stands in recess until Monday at 10:30 a.m.

[Whereupon, at 5:05 p.m., the hearing was recessed, to reconvene at 10:30 a.m., Monday, August 1, 1994.]

[Prepared statements, response to written questions, and additional material supplied for the record follow:]

PREPARED STATEMENT OF SENATOR PETE V. DOMENICI

Mr. Chairman, as someone who has served in this body for a number of years I have learned not to rush to judgment. And in this instance I've tried to keep an open mind. But having considered the facts gathered in advance of these hearings I have to admit that I am more than a little distressed about the actions of a number of Administration officials in this matter.

The story is, regrettably, all too familiar in the history of this city. Because contacts between the White House and the Treasury Department regarding the RTC investigation into Madison Guaranty reveals yet another instance in which political considerations took precedence above all else.

This is no small matter, because these actions may have seriously jeopardized the RTC's independence. Let me discuss one item that deeply troubles me.

I want to focus on something Senator D'Amato raised: *Exactly what did the President's closest advisors at the White House know about the RTC's investigations of Whitewater and Madison Guaranty? And how did this knowledge potentially compromise the RTC's ability to complete its investigation?*

Confidentiality and secrecy are critical to a successful criminal investigation. Otherwise evidence can be destroyed, testimony tailored, investigative techniques limited, and the advantage of surprise lost. Yet the Madison Guaranty's investigation's confidentiality was repeatedly violated.

As early as September, the information that Roger Altman and Jean Hanson provided the President's closest advisors, was highly confidential and involved criminal referrals that had not yet even reached the Department of Justice. But the White House later received, through improper channels, even more valuable information.

In January, 1994, the RTC was facing three choices on Madison Guaranty and the Clintons: *One*—The RTC could file a case by the February 28, deadline; *Two*—It could seek a tolling agreement under which people involved, including the President and First Lady, would be asked to cooperate and to voluntarily agree to extend the deadline for further investigation and possible prosecution; or, *Three*—It could let the deadline pass without any case being filed.

By February 1, 1994, the White House knew that the RTC was investigating Madison Guaranty Savings and Loan. The deadline for filing a lawsuit was only 28 days away. If February 28, arrived and no criminal referral was made, no lawsuit could be filed. They would be saved by the bell so to speak. During the February 2, meeting with Altman, the President's closest advisors reportedly pressed Altman to remain the decisionmaker until that deadline expired and the case was closed. But Congress unexpectedly intervened and extended the deadline well into the future. The RTC Counsel, Ellen Kulka referred to it as the "earthquake" event.

But that is not all that was said at this meeting. It is simply not true that Mr. Altman merely provided "public" information about the legal process when he went to the White House on February 2.

Sworn testimony by Deputy White House Chief of Staff, Harold Ickes, establishes that at that meeting Altman told the President's closest advisors about the "progress" of the RTC investigation. He told them that *"the investigation was going to take a longer period of time to conclude,"* and that it was *"unlikely that the investigation could be completed and a recommendation made by the General Counsel prior to the expiration of the statute of limitations."*

This was a serious blow dealt the RTC's investigators.

The White House staff now knew that a case wasn't ready. Without this knowledge about the status of the investigation, everyone involved would have been well counseled to cooperate and sign agreements giving the RTC more time to investigate. But when Roger Altman gave the White House this vital information about the progress of the investigation, he gave them the "heads up" not to agree to anything because the RTC was not yet ready with its lawsuit.

Armed with that information, the RTC's chance of obtaining an agreement providing more time had been effectively eliminated. Altman destroyed that option when he gave his progress report at the February 2 meeting. But for the Act of Congress extending the deadline it is doubtful Madison Guaranty would ever have been the subject of an investigation.

This is but one of the troubling aspects of this affair.

Some in this city have attempted to minimize these hearings. But I would simply point out that we have a serious oversight responsibility to unearth the truth and ensure proper procedure is followed. I would also point out that we would not know what we know today had it not been for this Committee's hearings last February when Mr. Altman first revealed, under questioning, his contact with the White House.

And, as a result of our inquiry, we have found that in this case, established Government procedures were abandoned, the autonomy of independent Government agencies were sacrificed, and a vital independent investigation into a bank failure that cost the American taxpayers \$60 million may have been irrevocably compromised.

PREPARED STATEMENT OF SENATOR CAROL MOSELEY-BRAUN

Mr. Chairman, in one sense, it is very clear why this Committee hearing is being held today. The Banking Committee is acting at the direction of the Senate, as contained in S.Res. 229. Under that Resolution, the Banking Committee is directed to review whether improper conduct occurred regarding:

(1) Communications between White House officials and RTC or Treasury officials regarding Whitewater or Madison Guaranty;

(2) The Park Service Police investigation into the death of White House Deputy Counsel Vincent Foster; and

(3) The way White House officials handled documents in Vincent Foster's office at the time of his death.

What that means, therefore, is that, at least in part, we are still dealing with the legacy of the savings and loan crisis. I was not in the Senate during the 1980's as that crisis exploded onto the scene. Like every Illinoisan, I watched it develop in horror. It made me, in my service here, determined to do everything I could to prevent anything similar from ever happening again, and to see that everything possible was done to minimize the public cost of completing the resolution of that debacle. That is why, together with Senator Murray and a number of others on this Committee, I insisted that the final taxpayer payment to the Resolution Trust Corporation include a wide variety of management and other reforms designed to bring more order and discipline to the RTC, and to improve its efficiency.

Madison Guaranty is one of the thousands of savings and loan failures that formed the crisis. It took sixty million taxpayer dollars to make good the Federal Government's deposit insurance obligation to the Madison depositors. That is a very large amount of money. It is a chilling demonstration of just what the savings and loan crisis cost each American that the Madison failure represents less than five ten-thousandths of 1 percent of the \$125 billion we are spending to resolve the savings and loan debacle.

Madison is not, of course, the only savings and loan failure worthy of the attention of this Committee. There are many billion dollar plus failures that need and deserve our attention. The hearings we are beginning today, however, involve only Madison. The reason for that is, of course, all too obvious. It is because the President of the United States, before he became President, was involved in a real estate partnership with Madison's then-CEO. The President was not a stockholder in Madison, not an officer of Madison, not a director of Madison, but he did have a tangential relationship to Madison.

The press has done its job in bringing the President's connection to a failed savings and loan to the attention of the American public. A Special Counsel, the Resolution Trust Corporation, the Banking Committee of the House of Representative and this Committee are now doing theirs. All are investigating matters that in some way relate to Madison, or its fall-out. These investigations are time-consuming and expensive. It is very possible that the Federal Government will spend as much money investigating Madison and the real estate partnership commonly known as Whitewater, by the time all is said and done, as it cost the Federal Government to close Madison down in the first place.

I appreciate the public demand for that kind of careful review, which is why I supported the appointment of the Special Counsel. Given that the heart of the matter the Special Counsel is reviewing involves a time before the President took office, I think that the obligation of Congress now is to let him do his work. This Congress should therefore not hold hearings on matters which are the subject of open investigations by the Special Counsel. The judgment of the Senate, as expressed in S.Res. 229, is entirely correct. In fact, I would make the point even more strongly—Congress must not take actions that could undermine the Special Counsel's ability to do his job.

The subject matters before the Committee today, however, directly relate to the time since January 20, 1993, when Governor Clinton became President Clinton. They are clearly appropriate for congressional hearings; they clearly relate to the performance of the President, and of public officials at the White House and a number of Government departments and agencies.

This Committee will meet its responsibilities in these areas. The Committee has already conducted 37 depositions, and reviewed over 10,000 pages of documents. This Committee's review, as we begin these hearings today, is a comprehensive one. I hope that it will meet the public's expectations for a fair and balanced review of the matters before us.

Essentially, we have three levels of inquiry:

- (1) Were there any laws broken;
- (2) Were appropriate ethics policies and procedures in place, and were any of those policies or procedures violated; and
- (3) Putting aside everything else, in the opinion of the average, commonsense American, were these matters appropriately handled.

As to the first level of inquiry, we already know from the Committee's review so far, the review being done by the House of Representatives, and the review by Special Counsel Fiske, that the President of the United States, acting as President, has done absolutely nothing to interfere with any civil or criminal investigation of Madison or Whitewater. In fact, it is only because the President twice signed legislation extending the statute of limitations for RTC civil investigations that there is even any opportunity for possible civil litigation to be filed with respect to Madison. We also know from Special Counsel Fiske that in the Vincent Foster matter, and in the Treasury/White House contacts matter, that the evidence does not justify prosecuting any White House, Treasury, or RTC official for either attempting to obstruct any RTC investigation of Madison, or for violating "any other Federal statute."

The second and third levels of inquiry, therefore, are what these hearings are really all about.

As we begin, it is can also be stated with confidence, in fact, without any question, that the President did not violate any ethics standards. The sole matter involving the President personally in his conduct of office was his question to Comptroller of the Currency, Eugene Ludwig, at the Renaissance Weekend last January around the time of the new year. At that time, the President asked Comptroller Ludwig whether it was appropriate for him to ask for any advice on the Madison/Whitewater issue, or perhaps, according to one account, only whether the Comptroller could suggest some names of banking law experts that the President could consult. I don't think any reasonable person can fault the President for that. In fact, it demonstrates the fact that he is very sensitive to the ethical concerns involved.

As to others, I understand that White House Counsel, Lloyd Cutler, has concluded that there was no violation of ethical standards at the White House. Lloyd Cutler is a man of unquestioned integrity, and with a long history of exemplary public service, all of which means that his conclusion carries a lot of weight. But his conclusion does not relieve this Committee of its obligation to conduct its own thorough review, a review that includes the White House staff that was the subject of Mr. Cutler's review, as well as officials of the Treasury Department and the Resolution Trust Corporation.

After all, it is not enough that no laws were broken. It is not enough to say that the RTC referrals are now before the Special Counsel, and that the RTC does now have plenty of time to make a decision on whether to pursue any potential civil litigation regarding Madison. Public officials have an obligation to conduct the public's business ethically and appropriately, and the public has a right to expect that public officials meet that obligation.

One of the issues we will be considering is whether public officials at the White House and at the Treasury Department met that obligation as it relates to Madison Guaranty. We will have to consider what ethical standards apply, how they apply to this situation, who has the responsibility for applying them, and whether those individuals handled that responsibility appropriately or not.

There is no doubt that the handling of criminal investigations is a very serious matter. Investigations must be confidential, not only because disclosures can hurt the Government's ability to make its case, but because, just as importantly, disclosure of an investigation can damage the reputation and invade the privacy of persons who have done absolutely nothing wrong.

We have all seen situations where leaks serve to convict persons, in the eyes of the public, before any trial, and perhaps without a charge ever having been made. We have all seen the recent stories of the breach of privacy by IRS employees, who were violating the privacy of many Americans by browsing through their tax returns. The fact that there are sometimes inappropriate leaks and that there are sometimes ethics violations in Government does not in any way eliminate the obligation of the Government to continue to work to protect the integrity of the investigation process, and the right to privacy of all Americans.

This Committee will need to consider, therefore, whether the facts show that the RTC Madison criminal referrals were handled appropriately at the RTC, at Treasury, and at the White House. We will have to consider whether the legal and ethical standards involved, permit a conclusion that information about the existence of the referrals, their content, or anything else about them, was appropriately transmitted to officials in the White House, and who, if anyone, are the appropriate recipients of any such information at the White House. We also need to carefully consider who, at the RTC, at Treasury, and at the White House, had the responsibility for making sure that ethics rules were followed and that effective ethics procedures were in place.

We will have to make a similar set of judgments with respect to issues that arose that related to possible civil RTC Madison-related litigation. How was civil litigation-related information handled inside the RTC. Who determined what information could be appropriately shared, and how widely shared, and who among the Treasury and White House officials had the responsibility for seeing that any information obtained was handled ethically and responsibly.

A substantial part of our focus, therefore, must be on the Office of White House Counsel, on the Treasury and RTC General Counsels' Offices, and on the top leadership of the Resolution Trust Corporation, because that is where one would logically expect accountability to rest. And I think the Counsels' offices are particularly important to our review. After all, it is the White House Counsel who has the responsibility for issues of law and ethics at the White House, who has the responsibility for putting ethics policies and enforcement systems in place. It is the Treasury General Counsel who has that same responsibility at the Treasury Department, and it is the RTC General Counsel who has that same responsibility at that part of the Government.

And determining whether ethics standards and procedures were violated does not end this Committee's work. I would also note that Mr. Cutler is proposing revisions in the investigation-related ethics procedures used at the White House, revisions designed to strengthen those procedures—and the question of whether changes in ethics policies and standards are needed is also one that this Committee will have to consider. In fact, this may be the most important public policy purpose these hearings can accomplish—to ensure that there are strong ethics standards in place, and that there is a strong, solid, system for enforcing those standards also in place, one with complete accountability.

The final question for the Committee is whether these matters were handled in a completely appropriate way. The answer to that is all too obvious. If they had been, we would not be here now. So if these hearings do nothing else, I hope they will help set a tone, establish a culture, and the kind of standards that will ensure that the public trust is strengthened and not undermined.

I want to conclude by expressing the hope that we can meet our responsibilities in an expeditious manner because, while the public has every right to expect that the public's business is conducted ethically, it also has every right to expect that the public's business is in fact conducted.

The public does not expect honest, ethical Government at the expense of good, responsive Government. It justifiably wants both—and I think it is entitled to both. The public is not solely focused on issues related to contacts between officials of the White House and the Treasury regarding Madison, and neither should we be. Residents of DuPage County want action on the crime bill; residents of Decatur want the opportunity to work at jobs that pay a decent wage—that they can raise a family on; people in Springfield want to be sure that they will not lose their access to affordable, high-quality, health care; I hear from many in the Quad cities who are very concerned about their children, and the kind of education their children will be able to get; Chicagoans want to see welfare reform that works to bring people back into the world of work. People across my State want action—bipartisan action, if at all possible—on a broad domestic agenda—and they want to see the United States united at home and succeeding overseas.

We, therefore, need to work conscientiously but quickly to complete our review of the ethics and policy issues laid out in S.Res. 229, and to act promptly to make any recommendations for policy changes that may be needed. We have a lot to accomplish before the Congress adjourns for the year in October. We need to get on with it. We need to do all of the people's business.

DONALD W. RIEGLE, JR., MICHIGAN, CHAIRMAN

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United States Senate

COMMITTEE ON BANKING, HOUSING, AND
 URBAN AFFAIRS

WASHINGTON, DC 20510-8075

September 28, 1994

Mr. William Colombell
 Special Agent
 Federal Bureau of Investigation
 1001 Pennsylvania Avenue, N.W.
 Washington, D.C. 20004

Dear Mr. Colombell:

Enclosed are some post hearing questions from this Committee's hearings on the Whitewater matter. We will be publishing your responses to these questions in the printed version of our hearings. In order to complete the hearing record in a timely fashion we would appreciate your answers to the enclosed questions by Friday, October 7, 1994.

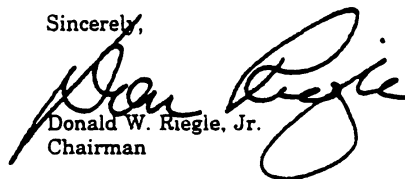
It would be greatly appreciated if you would have your responses formatted in the following manner:

- (1) Please title your responses indicating which Senator asked the question (e.g., "Questions from Chairman Riegle").
- (2) Set forth the question, then the answer to it, and single-space both questions and answers.
- (3) Include the number of each question and answer (e.g., "Question 1" and "Answer 1").
- (4) Do not use all capital letters in responding to these questions.

Please send your reply to Kelly Cordes, the Committee's chief clerk. She will transmit copies of your response to the Committee's publication office.

If you have any questions please contact Ms. Cordes at (202) 224-1568.

Sincerely,


 Donald W. Riegle, Jr.
 Chairman

Enclosure

Questions about the Foster Pager

At the July 29th Hearing on the Foster Investigation, Senator D'Amato questioned Mr. Colombell (FBI Special Agent) about the circumstances surrounding Foster's pager. (p. 124, July 29th Hearing Testimony) When Mr. Colombell was unable to fully answer Senator D'Amato's inquiries, Senator D'Amato requested that Mr. Colombell ascertain the answers to the following questions:

- 1) Once the pager was retrieved by the Secret Service the night of Foster's death, what was the following chain of custody?
- 2) Under whose direction was the pager retrieved?
- 3) Did anyone check the pager for information contained in its memory? Who checked it? If not, why wasn't the memory checked?
- 4) Did White House personnel receive the pager? When?
- 5) Why was the pager removed from Foster into the possession of the Secret Service, instead of remaining within the possession of the Park Police?
- 6) If information was obtained from the pager, why didn't the Park Police receive the information?
- 7) If information was obtained from the pager, what was that information?
- 8) Is it usual Park Police procedure to remove an item of evidence, such as a pager, and give it to another agency, such as the Secret Service?

Office of the Independent Counsel
Suite 490-North
1001 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
(202) 514-8688

October 17, 1994

Senator Donald W. Riegle, Jr.
Chairman, Committee on Banking,
Housing and Urban Affairs
United States Senate
Washington, D.C. 20510

Dear Senator Riegle:

I am writing in response to your letter of September 28, 1994. The following are my responses to the questions regarding Mr. Foster's pager now posed by Senator D'Amato.

1. Review of United States Park Police (USPP) custody logs confirm that Mr. Foster's pager, along with other personal items (wallet, watch, rings), were turned over to White House representative Clifford Sloan by USPP Officer Peter Markland on 7/21/93 at 7:35 p.m. for return to the family. These personal items were returned pursuant to the request of Clifford Sloan of the White House Chief Counsel's office. On approximately July 22, the pager was returned to the White House Communications Agency. That office deleted the PIN number from the pager and returned the pager to the stock shelf for re-issuance. The PIN number was subsequently re-issued to another party. The current location of the pager is unknown. Mr. Foster's White House identification was returned to a United States Secret Service (USSS) agent on July 21, 1993 at 1:20 a.m. by USPP Officer Cheryl Braun pursuant to a request from the USSS.

2. See answer to question number one above.

3. USPP Officer John Rolla stated that he did not check the pager for messages prior to turning it over to the Secret Service. When the pager was recovered from Vincent Foster, the pager had been turned off. We have been informed by Colonel Thomas Hawes of the White House Military Communications office that the pager in question did have memory capability, but the memory was erased once the pager was turned off. Therefore, even if Officer Rolla had checked the pager, he would not have found any information.

4. See the answer to question number one above.

Senator Donald W. Riegle
October 17, 1994
Page Two

5. Officer Rolla stated that in his experience, when the Park Police found White House property, it was standard procedure for the Park Police to notify the Secret Service, and in turn, for the Secret Service to immediately retrieve that property. He further stated that once the Park Police concluded that Vincent Foster had committed suicide, it was unnecessary to retain the pager.

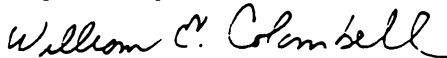
6. See answers given above.

7. As stated above, because the pager had been turned off, it would have been impossible to check the pager for prior calls. Efforts were made by the Office of the Independent Counsel to obtain any information regarding who may have paged Mr. Foster on the date of his death. Because these efforts involved the use of a Grand Jury subpoena, it would be inappropriate for me to comment on either the substance of the subpoena or the response.

8. This question would be more appropriately addressed to the United States Park Police.

If you have any additional questions, please do not hesitate to contact me.

Respectfully submitted,



William E. Colombell
Special Agent
Federal Bureau of Investigation

103D CONGRESS
2D SESSION

S. RES. 217

Establishing a special subcommittee within the Committee on Banking, Housing, and Urban Affairs to conduct an investigation into allegations concerning the Whitewater Development Corporation, Madison Guaranty Savings and Loan Association, and Capital Management Services, Inc., and other related matters.

IN THE SENATE OF THE UNITED STATES

MAY 25 (legislative day, MAY 16), 1994

Mr. D'AMATO (for himself, Mr. DOLE, Mr. WALLOP, Mr. MURKOWSKI, Mr. GRAMM, Mr. SLACK, Mr. BOND, Mr. FAIRCLOTH, Mr. BENNETT, Mr. DOMENICI, Mr. ROTH, Mr. NICKLES, Mr. SIMPSON, Mr. LOTT, Mr. MCCAIN, Mr. STEVENS, Mrs. HUTCHISON, Mr. KEMPTHORNE, Mr. SMITH, Mr. HATCH, Mr. CRAIG, Mr. HELMS, Mr. COVERDELL, Mr. PRESSLER, Mr. THURMOND, Mr. MCCONNELL, and Mr. COCHRAN) submitted the following resolution; which was referred to the Committee on Rules and Administration

RESOLUTION

Establishing a special subcommittee within the Committee on Banking, Housing, and Urban Affairs to conduct an investigation into allegations concerning the Whitewater Development Corporation, Madison Guaranty Savings and Loan Association, and Capital Management Services, Inc., and other related matters.

1 *Resolved,*

2

1 ESTABLISHMENT OF THE SPECIAL SUBCOMMITTEE

2 SECTION 1. (a) There is established a special sub-
3 committee within the Committee on Banking, Housing,
4 and Urban Affairs to be known as the Special Subcommit-
5 tee on Certain Allegations Concerning Whitewater Devel-
6 opment Corporation, Madison Guaranty Savings and Loan
7 Association, and Capital Management Services, Inc., and
8 Related Issues (hereafter in this resolution referred to as
9 the "special subcommittee").

10 (b) The purpose of the special subcommittee is—

11 (1) to conduct an investigation into, and study
12 of, all matters which have any tendency to reveal the
13 full facts about—

14 (A) the operations, solvency, and regula-
15 tion of Madison Guaranty Savings and Loan
16 Association, including the alleged use of feder-
17 ally insured funds as campaign contributions;

18 (B) the relationship among Madison Guar-
19 anty Savings and Loan Association, other feder-
20 ally insured institutions, and Whitewater Devel-
21 opment Corporation;

22 (C) the management and business activi-
23 ties of Whitewater Development Corporation
24 and its shareholders, including issues of per-
25 sonal, corporate, and partnership tax liability;

3

1 (D) the policies of the Resolution Trust
2 Corporation, Federal banking agencies, and
3 other Federal regulatory agencies regarding
4 legal representation of the agencies, including
5 conflicts of interest and cost controls;

6 (E) the independence of the Resolution
7 Trust Corporation, Federal banking agencies,
8 and other Federal regulatory agencies, includ-
9 ing any improper contacts among officials of
10 the White House, the Department of the Treas-
11 ury, the Resolution Trust Corporation, the Of-
12 fice of Thrift Supervision, and any other Fed-
13 eral agency;

14 (F) the Resolution Trust Corporation's in-
15 ternal handling of the criminal referrals con-
16 cerning Madison Guaranty Savings and Loan
17 Association;

18 (G) the pursuit by the Resolution Trust
19 Corporation of civil causes of action against po-
20 tentially liable parties associated with Madison
21 Guaranty Savings and Loan Association;

22 (H) the pursuit by the Office of Thrift Su-
23 pervision, the Federal Deposit Insurance Cor-
24 poration, and the Federal Savings and Loan In-
25 surance Corporation of administrative and civil

4

1 causes of action against potentially liable par-
2 ties associated with Madison Guaranty Savings
3 and Loan Association;

4 (I) the Department of Justice's handling
5 of the Resolution Trust Corporation's criminal
6 referrals relating to Madison Guaranty Savings
7 and Loan Association;

8 (J) the delayed recusal of the United
9 States Attorney for the Eastern District of Ar-
10 kansas from the investigation or prosecution of
11 David Hale, Capital Management Services, Inc.,
12 and Whitewater Development Corporation;

13 (K) the sources of funding and the lending
14 practices of Capital Management Services, Inc.,
15 and its supervision and regulation by the Small
16 Business Administration, including loans to
17 Susan McDougal and the alleged diversion of
18 funds to Whitewater Development Corporation;

19 (L) the Park Police investigation into the
20 death of White House Deputy counsel Vincent
21 Foster;

22 (M) the operations and underwriting ac-
23 tivities of the Arkansas Development Finance
24 Authority;

1 (N) the circumstances surrounding and the
2 propriety of the commodities-futures trading ac-
3 tivities of Hillary Rodham Clinton;

4 (O) the investment activities of Value
5 Partners I, including the compliance of these
6 activities with Federal laws governing conflicts
7 of interest;

8 (P) any other issues related to the matters
9 referred to in subparagraphs (A) through (O);
10 and

11 (Q) any issues developed during, or arising
12 out of, the hearings conducted by the special
13 subcommittee; and

14 (2)(A) to make such findings of fact as are
15 warranted and appropriate;

16 (B) to make such recommendations, including
17 recommendations for new legislation and amend-
18 ments to existing laws and any administrative or
19 other actions, as the special subcommittee may de-
20 termine to be necessary or desirable; and

21 (C) to fulfill the Constitutional oversight and
22 informing function of the Congress with respect to
23 the matters described in this section.

24 (c) For purposes of this section, the term "Madison
25 Guaranty Savings and Loan Association" includes any

6

1 subsidiary company, affiliated company, or business
2 owned or controlled, in whole or in part, by Madison Guar-
3 anty Savings and Loan Association, its officers, directors,
4 or principal shareholders.

5 MEMBERSHIP AND ORGANIZATION OF THE SPECIAL
6 SUBCOMMITTEE

7 SEC. 2. (a)(1) The special subcommittee shall consist
8 of—

9 (A) 5 members of the Committee on Banking,
10 Housing, and Urban Affairs appointed by the chair-
11 man;

12 (B) 5 members of the Committee on Banking,
13 Housing, and Urban Affairs appointed by the rank-
14 ing member;

15 (C) 3 members of the Senate appointed by the
16 President pro tempore of the Senate from the major-
17 ity party of the Senate upon the recommendation of
18 the Majority Leader of the Senate; and

19 (D) 3 members of the Senate appointed by the
20 President pro tempore of the Senate from the minor-
21 ity party of the Senate upon the recommendation of
22 the Minority Leader of the Senate.

23 (2) Vacancies in the membership of the special sub-
24 committee shall not affect the authority of the remaining
25 members to execute the functions of the special sub-

1 committee and shall be filled in the same manner as origi-
2 nal appointments to it are made.

3 (3) For the purpose of paragraph 4 of rule XXV of
4 the Standing Rules of the Senate, service of a Senator
5 as a member of the special subcommittee shall not be
6 taken into account.

7 (b)(1) The chairman and ranking member of the
8 Committee on Banking, Housing, and Urban Affairs shall
9 be cochairmen of the special subcommittee.

10 (2) A majority of the members of the special sub-
11 committee shall constitute a quorum for reporting a mat-
12 ter or recommendation to the Senate, except that a
13 quorum shall not be necessary for the purpose of taking
14 testimony before the special subcommittee or for conduct-
15 ing the other business of the special subcommittee.

16 (c)(1) The special subcommittee shall promptly adopt
17 appropriate rules and procedures consistent with this reso-
18 lution.

19 (2) The rules and procedures of the special sub-
20 committee shall—

21 (A) govern the proceedings of the special sub-
22 committee; and

23 (B) consistent with section 6 of this
24 resolution—

1 (i) provide for the security of the records
2 of the special subcommittee; and

3 (ii) prevent the unauthorized disclosure of
4 information and materials obtained by the spe-
5 cial subcommittee in the course of its investiga-
6 tion and study.

7 STAFF OF THE SPECIAL SUBCOMMITTEE

8 SEC. 3. (a)(1) Committee staff from committees hav-
9 ing jurisdiction over matters described in section 1(b) shall
10 be detailed to the special subcommittee, subject to avail-
11 ability, as requested by the cochairmen.

12 (2) In addition to staff detailed pursuant to para-
13 graph (1) and to assist the special subcommittee in its
14 investigation and study, the cochairmen, after approval of
15 the special subcommittee, may appoint special subcommit-
16 tee staff.

17 (3) All staff detailed pursuant to paragraph (1) or
18 appointed pursuant to paragraph (2) shall work for the
19 special subcommittee as a whole, shall report to the two
20 cochairmen and, except as otherwise provided by the spe-
21 cial subcommittee, shall be under the direction of the co-
22 chairmen.

23 (b) To assist the special subcommittee in its inves-
24 tigation and study, the Senate Legal Counsel and Deputy
25 Senate Legal Counsel shall work with and under the juris-
26 diction and authority of the special subcommittee.

1 (c) The Majority and Minority Leaders of the Senate
2 may each designate one staff person to serve on the staff
3 of the special subcommittee to serve as their liaison to the
4 special subcommittee.

5 (d) The Comptroller General of the United States is
6 requested to provide from the General Accounting Office
7 whatever personnel, investigatory, material, or other ap-
8 propriate assistance may be required by the special sub-
9 committee.

10 PUBLIC ACTIVITIES OF THE SPECIAL SUBCOMMITTEE

11 SEC. 4. (a) Consistent with the rights of persons sub-
12 ject to investigation and inquiry, the special subcommittee
13 shall make every effort to fulfill the right of the public
14 and the Congress to know the essential facts and implica-
15 tions of the activities of officials of the United States Gov-
16 ernment and other persons and entities with respect to
17 the matters under investigation and study as described in
18 section 1.

19 (b) In furtherance of the public's and Congress' right
20 to know, the special subcommittee—

21 (1) shall hold, as either cochairman considers
22 appropriate, open hearings on specific subjects, sub-
23 ject to consultation and coordination within the inde-
24 pendent counsel appointed pursuant to chapter 28,
25 part 600, of the Code of Federal Regulations (re-
26 ferred to as the "independent counsel");

1 (2) may make interim reports to the Senate as
2 it considers appropriate; and

3 (3) shall make a final comprehensive public re-
4 port to the Senate which contains a description of all
5 relevant factual determinations consistent with sub-
6 section (a) of this section and section 1(b)(2) and
7 which contains recommendations for new legislation,
8 if necessary.

9 POWERS OF THE SPECIAL SUBCOMMITTEE

10 SEC. 5. (a) The special subcommittee shall do every-
11 thing necessary and appropriate under the laws and Con-
12 stitution of the United States to make the investigation
13 and study specified in section 1.

14 (b) The special subcommittee is authorized to issue
15 subpoenas for obtaining testimony and for the production
16 of documentary or physical evidence. A subpoena may be
17 authorized and issued by the special subcommittee, acting
18 through either cochairman or any other member des-
19 ignated by either cochairman, and may be served by any
20 person designated by either cochairman or other member
21 anywhere within or without the borders of the United
22 States to the full extent permitted by law. Either cochair-
23 man of the special subcommittee, or any other member
24 thereof, is authorized to administer oaths to any witnesses
25 appearing before the subcommittee.

1 (c) The special subcommittee is authorized to do the
2 following:

3 (1) To employ and fix the compensation of such
4 clerical, investigatory, legal, technical, and other as-
5 sistants as the special subcommittee considers nec-
6 essary or appropriate.

7 (2) To sit and act at any time or place during
8 sessions, recesses, and adjournment periods of the
9 Senate.

10 (3) To hold hearings, take testimony under
11 oath, and to receive documentary or physical evi-
12 dence relating to the matters and questions it is au-
13 thorized to investigate or study.

14 (4) To request a grant of immunity under sec-
15 tion 6005 of title 18, United States Code, after con-
16 sultation with the independent counsel.

17 (5) To require by subpoena or order the attend-
18 ance, as witnesses before the special subcommittee
19 or at depositions, of any person either cochairman
20 determines may have knowledge or information con-
21 cerning any of the matters the special subcommittee
22 is authorized to investigate and study.

23 (6) To take depositions and other testimony
24 under oath anywhere within the United States, to
25 issue orders by either cochairman or any other mem-

1 ber designated by either cochairman which require
2 witnesses to answer written interrogatories under
3 oath, and to make application for issuance of letters
4 rogatory.

5 (7) To issue commissions and to notice deposi-
6 tions for staff members to examine witnesses and to
7 receive evidence under oath administered by an indi-
8 vidual authorized by local law to administer oaths.
9 The special subcommittee, acting through either co-
10 chairman, may authorize and issue, and may dele-
11 gate to designated staff members the power to au-
12 thorize and issue, commissions and deposition no-
13 tices.

14 (8) To require by subpoena or order—

15 (A) any department, agency, entity, officer,
16 or employee of the United States Government,

17 (B) any person or entity purporting to act
18 under color or authority of State or local law,
19 or

20 (C) any private person, firm, corporation,
21 partnership, or other organization,
22 to produce for its consideration or for use as evi-
23 dence in the investigation or study of the special
24 subcommittee any book, check, canceled check, cor-
25 respondence, communication, document, financial

1 record, paper, physical evidence, photograph, record,
2 recording, tape, or any other material relating to
3 any of the matters or questions such subcommittee
4 is authorized to investigate and study which they or
5 any of them may have in their custody or under
6 their control.

7 (9) To make to the Senate any recommenda-
8 tions, including recommendations for criminal or
9 civil enforcement, which the special subcommittee
10 may consider appropriate with respect to—

11 (A) the willful failure or refusal of any per-
12 son to appear before it, or at a deposition, or
13 to answer interrogatories, in obedience to a sub-
14 poena or order;

15 (B) the willful failure or refusal of any
16 person to answer questions or give testimony
17 during his appearance as a witness before such
18 subcommittee, or at a deposition, or in response
19 to interrogatories; or

20 (C) the willful failure or refusal of—

21 (i) any officer or employee of the
22 United States Government,

23 (ii) any person or entity purporting to
24 act under color or authority of State or
25 local law, or

14

1 (iii) any private person, partnership,
2 firm, corporation, or organization,
3 to produce before the subcommittee, or at a
4 deposition, or at any time or place designated
5 by the subcommittee, any book, check, canceled
6 check, correspondence, communication, docu-
7 ment, financial record, paper, physical evidence,
8 photograph, record, recording, tape, or any
9 other material in obedience to any subpoena or
10 order.

11 (10) To procure the temporary or intermittent
12 services of individual consultants, or organizations
13 thereof.

14 (11) To use on a reimbursable basis, with the
15 prior consent of the Government department or
16 agency concerned, the services of personnel of such
17 department or agency.

18 (12) To use, with the prior consent of the
19 chairman or ranking member of any other Senate
20 committee or the chairman or ranking member of
21 any subcommittee of any committee of the Senate,
22 the facilities or services of the appropriate members
23 of the staff of such other Senate committee when-
24 ever the special subcommittee or either cochairman
25 consider that such action is necessary or appropriate

1 to enable the special subcommittee to make the in-
2 vestigation and study provided for in this resolution.

3 (13) To have access through the agency of any
4 members of the special subcommittee, staff director,
5 chief counsel, or any of its investigatory assistants
6 designated by either cochairman, to any data, evi-
7 dence, information, report, analysis, document, or
8 paper—

9 (A) which relates to any of the matters or
10 questions which the special subcommittee is au-
11 thorized to investigate or study;

12 (B) which is in the possession, custody, or
13 under the control of any department, agency,
14 entity, officer, or employee of the United States
15 Government, including those which have the
16 power under the laws of the United States to
17 investigate any alleged criminal activities or to
18 prosecute persons charged with crimes against
19 the United States without regard to the juris-
20 diction or authority of any other Senate com-
21 mittee; and

22 (C) which will aid the special subcommittee
23 to prepare for or conduct the investigation and
24 study authorized and directed by this resolu-
25 tion.

1 (14) To report violations of any law to the ap-
2 propriate Federal, State, or local authorities.

3 (15) To expend, to the extent the special sub-
4 committee determines necessary and appropriate,
5 any money made available to such subcommittee by
6 the Senate to make the investigation, study, and re-
7 ports authorized by this resolution.

8 (16) Under sections 6103(f)(3) and 6104(a)(2)
9 of the Internal Revenue Code of 1986, to inspect
10 and receive for the fiscal years 1977-1992 any tax
11 return, return information, or other tax-related ma-
12 terial, held by the Secretary of the Treasury, related
13 to individuals and entities named by the special sub-
14 committee as possible participants, beneficiaries, or
15 intermediaries in the transactions under investiga-
16 tion.

17 (d) The level of compensation payable to any em-
18 ployee of the special subcommittee shall not be subject to
19 any limitation on compensation otherwise applicable to an
20 employee of the Senate. No employee of the special sub-
21 committee may receive pay at a rate of pay in excess of
22 the rate of pay payable for a position at level III of the
23 Executive Schedule under section 5314 of title 5, United
24 States Code.

1 PROTECTION OF CONFIDENTIAL INFORMATION

2 SEC. 6. (a) All staff members and consultants shall,
3 as a condition of employment, agree in writing to abide
4 by the conditions of an appropriate nondisclosure agree-
5 ment promulgated by the special subcommittee.

6 (b) The case of any Senator who violates the security
7 procedures of the special subcommittee may be referred
8 to the Select Committee on Ethics of the Senate for the
9 imposition of sanctions in accordance with the rules of the
10 Senate. Any staff member or consultant who violates the
11 security procedures of the special subcommittee shall im-
12 mediately be subject to removal from office or employment
13 with the special subcommittee or shall be subject to such
14 other sanction as may be provided in the rules of the spe-
15 cial subcommittee.

16 (c) Upon the termination of the special subcommittee
17 pursuant to section 9 of this resolution, all records, files,
18 documents, and other materials in the possession, custody,
19 or control of the special subcommittee, under appropriate
20 conditions established by such subcommittee, shall be
21 transferred to the National Archives.

22 RELATION TO OTHER INVESTIGATIONS

23 SEC. 7. (a) In order to—

24 (1) expedite the thorough conduct of the inves-
25 tigation and study authorized by this resolution;

18

1 (2) promote efficiency among all the various in-
2 vestigations underway in all branches of the United
3 States Government; and

4 (3) engender a high degree of confidence on
5 the part of the public regarding the conduct of
6 such investigation,

7 the special subcommittee is encouraged—

8 (A) to coordinate, to the extent practicable, its
9 activities with the investigation of the independent
10 counsel;

11 (B) to seek the full cooperation of all relevant
12 investigatory bodies; and

13 (C) to seek access to all information which is
14 acquired and developed by such bodies.

15 (b) The cochairmen shall meet with the independent
16 counsel to obtain relevant information concerning the sta-
17 tus of the independent counsel's investigation to assist in
18 establishing a hearing schedule for the special subcommit-
19 tee.

20 (c) The Senate requests that the independent counsel
21 make available to the special subcommittee, as expedi-
22 tiously as possible, all documents and information which
23 may assist the special subcommittee in its investigation
24 and study.

1 **SALARIES AND EXPENSES**

2 **SEC. 8.** Such sums as are necessary shall be available
3 from the contingent fund of the Senate out of the Account
4 for Expenses for Inquiries and Investigations for payment
5 of salaries and other expenses of the special subcommittee
6 under this resolution, which shall include sums which shall
7 be available for the procurement of the services of individ-
8 ual consultants or organizations thereof, in accordance
9 with section 5(c)(9). Payment of expenses shall be dis-
10 bursed upon vouchers approved by either cochairman of
11 the special subcommittee, except that vouchers shall not
12 be required for the disbursement of salaries paid at an
13 annual rate.

14 **REPORTS; TERMINATION**

15 **SEC. 9. (a)(1)** The special subcommittee shall make
16 a final public report to the Senate of the results of the
17 investigation and study conducted by such subcommittee
18 pursuant to this resolution, together with its findings and
19 any recommendations at the earliest practicable date.

20 (2) The final report of the special subcommittee may
21 be accompanied by whatever confidential annexes are nec-
22 essary to protect confidential information.

23 (b) After submission of its final report, the special
24 subcommittee shall conclude its business and close out its
25 affairs as expeditiously as practicable.

1 SUBCOMMITTEE JURISDICTION AND RULE XXV

2 SEC. 10. The jurisdiction of the special subcommittee
3 is granted pursuant to this resolution notwithstanding the
4 provisions of paragraph 1 of rule XXV of the Standing
5 Rules of the Senate relating to the jurisdiction of the
6 standing committees of the Senate.

○

103D CONGRESS
2D SESSION

S. RES. 229

Authorizing oversight hearings by the Committee on Banking, Housing, and
Urban Affairs.

IN THE SENATE OF THE UNITED STATES

JUNE 16 (legislative day, JUNE 7), 1994

Mr. MITCHELL submitted the following resolution; which was ordered to be
placed on the calendar

JUNE 21 (legislative day, JUNE 7), 1994

Considered and agreed to

RESOLUTION

Authorizing oversight hearings by the Committee on
Banking, Housing, and Urban Affairs.

1 *Resolved,*

2 **SECTION 1. SCOPE OF THE HEARINGS.**

3 The Committee on Banking, Housing, and Urban Af-
4 fairs (referred to as the "committee") shall—

5 (1) conduct hearings into whether improper
6 conduct occurred regarding—

7 (A) communications between officials of
8 the White House and the Department of the
9 Treasury or the Resolution Trust Corporation

1 relating to the Whitewater Development Cor-
2 poration and the Madison Guaranty Savings
3 and Loan Association;

4 (B) the Park Service Police investigation
5 into the death of White House Deputy Counsel
6 Vincent Foster; and

7 (C) the way in which White House officials
8 handled documents in the office of White House
9 Deputy Counsel Vincent Foster at the time of
10 his death; and

11 (2)(A) make such findings of fact as are war-
12 ranted and appropriate;

13 (B) make such recommendations, including rec-
14 ommendations for new legislation and amendments
15 to existing laws and any administrative or other ac-
16 tions, as the committee may determine to be nec-
17 essary or desirable; and

18 (C) fulfill the Constitutional oversight and in-
19 forming function of the Congress with respect to the
20 matters described in this section.

21 The hearings authorized by this resolution shall begin on
22 a date determined by the Majority Leader, in consultation
23 with the Minority Leader, but no later than the earlier
24 of July 29, 1994, or within 30 days after the conclusion

1 of the first phase of the independent counsel's investiga-
2 tion.

3 **SEC. 2. MEMBERSHIP, ORGANIZATION, AND JURISDICTION**
4 **OF THE COMMITTEE FOR PURPOSES OF THE**
5 **HEARINGS.**

6 (a)(1) For the sole purpose of conducting the hear-
7 ings authorized by this resolution, the committee shall
8 consist of—

9 (A) the members of the Committee on Banking,
10 Housing, and Urban Affairs, who shall, in serving as
11 members of the committee, reflect the legislative and
12 oversight interests of other committees of the Senate
13 with a jurisdictional interest (if any) in the hearings
14 authorized in paragraph (1) of section 1 as provided
15 in subparagraph (B);

16 (B)(i) Senator Kerry and Senator Bond from
17 the Committee on Small Business;

18 (ii) Senator Riegle and Senator Roth from the
19 Committee on Finance;

20 (iii) Senator Shelby and Senator Domenici from
21 the Subcommittee on Public Lands, Parks, and For-
22 ests of the Committee on Energy and Natural Re-
23 sources;

24 (iv) Senator Moseley-Braun from the Commit-
25 tee on the Judiciary; and

1 (v) Senator Sasser and Senator Roth from the
2 Permanent Subcommittee on Investigations; and

3 (C) the ranking member of the Committee on
4 the Judiciary who shall serve for purposes of consid-
5 ering matters within the jurisdiction of the Commit-
6 tee on the Judiciary, but shall not serve as a voting
7 member of the committee.

8 (2) For the purpose of paragraph 4 of rule XXV of
9 the Standing Rules of the Senate, service of the ranking
10 member of the Committee on the Judiciary as a member
11 of the committee shall not be taken into account.

12 (b) The jurisdiction of the committee shall encompass
13 the jurisdiction of the committees and subcommittees list-
14 ed in subsection (a)(1)(B), to the extent, if any, pertinent
15 to the hearings authorized by this resolution.

16 (c) A majority of the members of the committee shall
17 constitute a quorum for reporting a matter or rec-
18 ommendation to the Senate, except that the committee
19 may fix a lesser number as a quorum for the purpose of
20 taking testimony before the committee or for conducting
21 the other business of the committee as provided in para-
22 graph 7 of rule XXVI of the Standing Rules of the Senate.

23 **SEC. 3. ADDITIONAL STAFF FOR THE COMMITTEE.**

24 (a) The committee, through the chairman, may re-
25 quest and use, with the prior consent of the chairman of

1 any committee or subcommittee listed in section
2 2(a)(1)(B), the services of members of the staff of such
3 committee or subcommittee.

4 (b) In addition to staff provided pursuant to sub-
5 section (a) and to assist the committee in its hearings,
6 the chairman may appoint and fix the compensation of
7 additional staff.

8 **SEC. 4. PUBLIC ACTIVITIES OF THE COMMITTEE.**

9 (a) Consistent with the rights of persons subject to
10 investigation and inquiry, the committee shall make every
11 effort to fulfill the right of the public and the Congress
12 to know the essential facts and implications of the activi-
13 ties of officials of the United States Government with re-
14 spect to the matters covered by the hearings as described
15 in section 1.

16 (b) In furtherance of the public's and Congress' right
17 to know, the committee—

18 (1) shall hold, as the chairman (in consultation
19 with the ranking member) considers appropriate and
20 in accordance with paragraph 5(b) of rule XXVI of
21 the Standing Rules of the Senate, open hearings
22 subject to consultation and coordination with the
23 independent counsel appointed pursuant to title 28,
24 parts 600 and 603, of the Code of Federal Regula-
25 tions (referred to as the "independent counsel");

1 (2) may make interim reports to the Senate as
2 it considers appropriate; and

3 (3) shall, in order to accomplish the purposes
4 set forth in subsection (a), make a final comprehensive
5 public report to the Senate of the findings of
6 fact and any recommendations specified in paragraph
7 (2) of section 1.

8 **SEC. 5. POWERS OF THE COMMITTEE.**

9 (a) The committee shall do everything necessary and
10 appropriate under the laws and Constitution of the United
11 States to conduct the hearings specified in section 1.

12 (b) The committee is authorized to exercise all of the
13 powers and responsibilities of a committee under rule
14 XXVI of the Standing Rules of the Senate and section
15 705 of the Ethics in Government Act of 1978 (2 U.S.C.
16 288d), including the following:

17 (1) To issue subpoenas or orders for the attendance
18 of witnesses or for the production of documentary or physical
19 evidence before the committee. A subpoena may be authorized by
20 the committee or by the chairman with the agreement of the ranking
21 member and may be issued by the chairman or any other member
22 designated by the chairman, and may be served by any person
23 designated by the chairman, and may be served by any person
24 designated by the chairman, and may be served by any person
25 designated by the chairman, and may be served by any person
 or the authorized member anywhere within or with-

1 out the borders of the United States to the full ex-
2 tent permitted by law. The chairman of the commit-
3 tee, or any other member thereof, is authorized to
4 administer oaths to any witnesses appearing before
5 the committee.

6 (2) Except that the committee shall have no au-
7 thority to exercise the powers of a committee under
8 section 6005 of title 18, United States Code for im-
9 munizing witnesses.

10 (3) To procure the temporary or intermittent
11 services of individual consultants, or organizations
12 thereof.

13 (4) To use on a reimbursable basis, with the
14 prior consent of the Government department or
15 agency concerned, the services of personnel of such
16 department or agency.

17 (5) To report violations of any law to the ap-
18 propriate Federal, State, or local authorities.

19 (6) To expend, to the extent the committee de-
20 termines necessary and appropriate, any money
21 made available to such committee by the Senate to
22 conduct the hearings and to make the reports au-
23 thorized by this resolution.

24 (7) To require by subpoena or order the attend-
25 ance, as witnesses, before the committee or at depo-

1 sitions, any person who may have knowledge or in-
2 formation concerning matters specified in section
3 1(1).

4 (8) To take depositions under oath anywhere
5 within the United States, to issue orders by the
6 chairman or his designee which require witnesses to
7 answer written interrogatories under oath, and to
8 make application for issuance of letters rogatory.

9 (9) To issue commissions and to notice deposi-
10 tions for staff members to examine witnesses and to
11 receive evidence under oath administered by an indi-
12 vidual authorized by law to administer oaths. The
13 committee, acting through the chairman, may dele-
14 gate to designated staff members the power to au-
15 thorize and issue commissions and deposition no-
16 tices.

17 (c)(1) Subject to the provisions of paragraph (2), the
18 committee shall be governed by the rules of the Committee
19 on Banking, Housing, and Urban Affairs, except that the
20 committee may modify its rules for purposes of the hear-
21 ings conducted under this resolution. The committee shall
22 cause any such amendments to be published in the Con-
23 gressional Record.

24 (2) The committee's rules shall be consistent with the
25 Standing Rules of the Senate and this resolution.

1 **SEC. 6. RELATION TO OTHER INVESTIGATIONS.**

2 In order to—

3 (1) expedite the thorough conduct of the hear-
4 ings authorized by this resolution;

5 (2) promote efficiency among all the various in-
6 vestigations underway in all branches of the United
7 States Government; and

8 (3) engender a high degree of confidence on the
9 part of the public regarding the conduct of such
10 hearing,

11 the committee is encouraged—

12 (A) to obtain relevant information concerning
13 the status of the independent counsel's investigation
14 to assist in establishing a hearing schedule for the
15 committee; and

16 (B) to coordinate, to the extent practicable, its
17 activities with the investigation of the independent
18 counsel.

19 **SEC. 7. SALARIES AND EXPENSES.**

20 Senate Resolution 71 (103d Congress) is amended—

21 (1) in section 2(a) by striking "\$56,428,119"
22 and inserting "\$56,828,119"; and

23 (2) in section 6(c) by striking "\$3,220,767"
24 and inserting "\$3,620,767".

1 **SEC. 8. REPORTS; TERMINATION.**

2 (a) The committee shall make the final public report
3 to the Senate required by section 4(b) not later than the
4 end of the 103d Congress.

5 (b) The final report of the committee may be accom-
6 panied by whatever confidential annexes are necessary to
7 protect confidential information.

8 (c) The authorities granted by this resolution shall
9 terminate 30 days after submission of the committee's
10 final report. All records, files, documents, and other mate-
11 rials in the possession, custody, or control of the commit-
12 tee shall remain under the control of the regularly con-
13 stituted Committee on Banking, Housing, and Urban Af-
14 fairs.

15 **SEC. 9. COMMITTEE JURISDICTION AND RULE XXV.**

16 The jurisdiction of the committee is granted pursuant
17 to this resolution notwithstanding the provisions of para-
18 graph 1 of rule XXV of the Standing Rules of the Senate
19 relating to the jurisdiction of the standing committees of
20 the Senate.

21 **SEC. 10. COMMITTEE FUNDING AND RULE XXVI.**

22 The supplemental authorization for the committee is
23 granted pursuant to this resolution notwithstanding the
24 provisions of paragraph 9 of rule XXVI of the Standing
25 Rules of the Senate.

1 **SEC. 11. ADDITIONAL HEARINGS.**

2 (a) In the fulfillment of the Senate's constitutional
3 oversight role, additional hearings on the matters identi-
4 fied in the resolution passed by the Senate by a vote of
5 98-0 on March 17, 1994, should be authorized as appro-
6 priate under, and in accordance with, the provisions of
7 that resolution.

8 (b) Any additional hearings should be structured and
9 sequenced in such a manner that in the judgment of the
10 two leaders they would not interfere with the ongoing in-
11 vestigation of Special Counsel Robert B. Fiske, Jr.

○

STATEMENT OF MAJOR ROBERT H. HINES

UNITED STATES PARK POLICE

Mr. Chairman and Members of the Committee, I am Major Robert H. Hines. I am the Commander of the Office of Inspectional Services, United States Park Police and I am also the Force Public Information Officer.

On July 20, 1993, the body of Mr. Vincent W. Foster was found at Ft. Marcy Park in Virginia. The United States Park Police completed its investigation of Mr. Foster's death in August, 1993. We concluded that Mr. Foster committed suicide. This conclusion was arrived at based on the condition of the scene, the Medical Examiner's findings, and the information gathered in the course of our investigation. We found absolutely no supporting evidence to suggest that Mr. Foster was murdered; we found absolutely no supporting evidence that foul play was involved in his death.

After Mr. Foster's death—and even after we reported our finding—there were some reports in the media alleging—with absolutely no supporting evidence—that he was murdered, that his body was moved after death to Ft. Marcy, that there was a conspiracy involved in his death. These fraudulent and twisted allegations have, among a host of other things, called into question the competence and professionalism of the United States Park Police.

The report of Independent Counsel Robert B. Fiske, Jr., concerning the death of Mr. Foster was released last month after a first-class team of experts had examined and reexamined both the evidence and the investigation conducted by the United States Park Police. In the Report's "Summary of Conclusions" Mr. Fiske states: "On the afternoon of July 20, 1993, in Fort Marcy Park, Fairfax County, Virginia, Vincent W. Foster, Jr., committed suicide by firing a bullet from a .38 caliber revolver into his mouth. As discussed below, the evidence overwhelmingly supports this conclusion, and there is no evidence to the contrary. This conclusion is endorsed by all participants in the investigation, including each member of the Pathologist Panel."

Following release of the Report, Anthony Lewis of *The New York Times* wrote: "When Robert B. Fiske Jr., . . . reported that there was nothing to the horror stories about the death of Vincent Foster, that Foster had indeed committed suicide, I expected that those who had spread the stories would be called to account."

Mr. Lewis then asks, rhetorically, whether those who had "spread ugly fantasies" had apologized; whether the press had held "the spreaders of dirt to account?" His answer to both questions was "Not to my knowledge." Asking myself these questions, and I reach the same conclusion.

In closing, Mr. Chairman and Members of the Committee, I want you to know how much I look forward to these hearings bringing closure to the continued fascination in some quarters with the matter of Vincent Foster's tragic death. I will do everything in my power to help you do that.

As we all know, even after the Independent Counsel released the findings of his investigation, some parties continue to concoct fantastic speculations. Lost in the feeding frenzy of innuendo has been compassion. In my opinion, common decency has been denied a family in mourning.

As police officers, dealing with violent death is, unfortunately, part of our job. Some may believe our profession has desensitized us, but we have real personal and emotional response to death and the heartbreak suffered by surviving loved ones. Suicide is a unique tragedy; suffering and feelings of guilt by family and friends are pronounced.

I believe that the prolonged and distorted coverage of this tragic episode has intensified the already enormous grief of the Foster family. I earnestly hope that, when these hearings have ended, Vincent Foster will finally rest in peace and that his family will, at long last, receive the respect they deserve and can get on with the healing process.

(1282)

NATIONAL PARK SERVICE

SUPPLEMENTAL CRIMINAL INCIDENT RECORD

JUVENILE CASE ☐

11 FIELD AREA

United States Park Police

JOHN	MO	DAY	YR	LEAD	CASE INCIDENT NUMBER
001	0	7	2	0	9
OCCUR	3	9	3	0	3
					0
					1
					2

12 NATURE OF INCIDENT

Death Investigation

13 RECLASSIFICATION OF INCIDENT

14 RESULTS OF INVESTIGATION

NOTIFICATION:

On 07/20/93 at approximately 1815 hours while monitoring channel 2, I heard scooter 261, Off. K. Fornhill, request C.I.B. to respond to Ft. Marcy for a dead body. I advised communications that myself, Inv. Braun and Inv. Abt would be responding. At approximately 1835 hours we arrived at Ft. Marcy.

PRELIMINARY INVESTIGATION:

Upon arrival we met with Lt. Gavin, Off. Ferstle, car 211, Off. Spetz, car 213, and Sgt. Edwards, car 202. After speaking with the officers on the scene, it was determined that we had a white male with an apparent self-inflicted gunshot wound to the head. Off. Ferstle advised that the subject still had the gun in his hand. Off. Ferstle advised that Off. Fornhill was the first unit on the scene with Fairfax Fire and Rescue. Fairfax Fire felt for a pulse in the carotid artery and got none. The body was not moved.

Parked in the fourth spot from the entrance, I observed a 1989 grey Honda Accord, 4 door, with Arkansas license plates RCN-5047, expiration 10/93. The registration returned to FOSTER, Jr., Vincent, at 5414 Stonewall Rd., Little Rock, Arkansas 72207. Off. Ferstle stated that he believed that this vehicle may belong to the decedent. Off. Ferstle stated that the suit coat on the front seat appeared to match the pants of the decedent. I observed that the vehicle was unlocked and that there was a dark blue suit jacket with blue pin stripes and a blue tie on the front passenger seat.

SCENE:

The decedent was located north of the parking lot, approximately one quarter mile at the second cannon. I observed the decedent to be a white male, approximately 45 to 50 years of age with dark hair, graying, and slightly receding. The decedent was laying face up on an embankment in front of the second cannon. The decedent's head was facing east and his feet facing west. I observed blood in his nose and mouth area, on his right shoulder area and underneath his head. The blood on the ground and on his shirt appeared to still be wet. There was no blood spatter on the plants or trees surrounding the decedent's head. I observed a dark colored revolver in his right hand. The decedent's right thumb was still in the trigger guard. After lifting both arms of the decedent, I observed lividity but no rigor mortis.

15 WARRANT(S)

☐ YES
☒ NO

16

☐ LATENTS
☐ PHOTOS

17 10 TECH NOTIFIED

18 INVESTIGATOR NOTIFIED

19

PAGE 1 OF 2 PAGES

20

STATUS OPEN

☐ SUSPENDED

CLOSED BY

☐ ASSESSED

☐ EXCEPTION

☐ UNFOUNDED

21 REPORTING OFFICER

BADGE NO

DATE

22 INVESTIGATOR

BADGE NO

DATE

23 SUPERVISOR

BADGE NO

DATE

U.S. GPO : 1987 O-554-1000

1429		NATIONAL PARK SERVICE		SUPPLEMENTAL CRIMINAL INCIDENT RECORD		JUVENILE CASE C	
SYSTEM AREA		IS WHEN DID IT OCCUR?		MO. DAY YR.		YEAR	
United States Park Police		0 7 2 0 9 3		9 3		0 3 0 5 0 2	
NATURE OF INCIDENT		RECLASSIFICATION OF INCIDENT					
Death Investigation							
RESULTS OF INVESTIGATION							

Addendum 08/05/93

The decedent was dressed in a white long sleeve button down dress shirt, white undershirt, dark blue dress pants with blue pin stripes, black dress shoes, black socks and a black belt. The decedent was wearing a Seiko watch with a gold colored face and brown leather band on his left wrist; a silver colored metal ring with a white stone on his right ring finger; a gold colored metal ring, band type, on his left ring finger. The inscription, was on the inside of the ring. The decedent also had a Motorola Bravo style pager on his right side waist area. The letters WHCA were inscribed on the side. The pager was turned off. A pair of brownish colored plastic framed glasses were found approximately thirteen feet west of the decedent.

At approximately 1940 hours, Fairfax Co. Coroner Donald Haut arrived on the scene and examined the decedent. I rolled the decedent over and observed a large blood stain three quarters down the back of the decedent's shirt. I observed trauma to the center portion of the back of the decedent's head. The skull appeared to be fractured from the inside out. McLean VFD M1 and Fairfax Co. engine 1 responded to the scene to transport the decedent to Fairfax Hospital.

After further investigation of the Grey Honda Accord, a brown leather wallet with an Arkansas driver's permit to Vincent Foster, Jr. was located in the suit jacket inside pocket. This and other photo identifications for Vincent Foster were inside of the wallet. The photos on the identifications appeared to be of the decedent. A White House identification badge with photo to Vincent Foster was located on the front passenger seat under the suit jacket. Cleared the scene at approximately 2045 hours.

NOTIFICATION:

At approximately 2200 hours, Inv. Braun and myself responded to the residence of Vincent Foster, at 3027 Cambridge Pl., NW, D.C., to make notification to his family. Inv. Braun and myself brought W. David Watkins, an associate and personal friend of Mr. Foster's with us to make notification to Mr. Foster's wife Elizabeth Foster. Also present during notification was Mr. Foster's daughter, Laura. During notification, Mr. Foster's two sisters arrived with other members of the White House Staff. Mrs. Foster nor other relatives, or friends were able to provide any insight as to why Vincent Foster would take his life. Cleared at 2310 hours.

Investigation continues.

AFFRANT		IS LATENTS		IS TECH NOTIFIED		IS INVESTIGATOR NOTIFIED		IS	
<input type="checkbox"/> YES		<input type="checkbox"/> LATENTS		<input type="checkbox"/> TECH NOTIFIED		<input type="checkbox"/> INVESTIGATOR NOTIFIED		<input type="checkbox"/> IS	
<input type="checkbox"/> NO		<input type="checkbox"/> PHOTOS						PAGE 2 OF 2 PAGES	
STATUS		<input type="checkbox"/> SUSPENDED		CLOSED BY:		<input type="checkbox"/> ARREST		<input type="checkbox"/> EXCEPTION	
REPORTING OFFICER		BADGE/ID		DATE		IS INVESTIGATOR		IS SUPERVISOR	
						[Signature]			

1.382

NATIONAL PARK SERVICE

SUPPLEMENTAL CRIMINAL INCIDENT RECORD

JUVENILE CASE =

SYSTEM AREA

GMP Ft. Marcy

JULY

MO

DAY

YEAR

YEAR

YEAR

YEAR

YEAR

YEAR

DOIT

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SIGNATURE OF INCIDENT

Death Investigation

RECLASSIFICATION OF INCIDENT

7 RESULTS OF INVESTIGATION

ITEM

Scene Investigation

Upon my arrival on the scene at approximately 1835 hours, I was advised by Ofc. J. Spetz that the following individuals had been in the area of Ft. Marcy for about the last hour. The individual were identified as:

Woodbridge, Va. 22192

W/M DOB

Soc. # L

Home phone:

Work phone:

and

Crofton, Md. 21114

W/F DOB

Soc. # L

Home phone:

Work phone:

and advised that they had been in the area of Ft. Marcy since approximately 1700 hours. advised that they had not noticed anything unusual. and advised that they had been sitting in the wooded area off the south side of the parking lot. I asked what other vehicles were in the area and they advised that when they arrived there had been a small car with a man without a shirt sitting in it, who left shortly after their arrival. They also described a white van with blue lettering, and advised that they observed the driver get out and empty trash. The final vehicle that they observed was a light colored older model car that pulled in next to the deceased vehicle. said that the driver put the hood up and then walked up into the woods for a while and then returned to his vehicle and left. an described the driver as a white male with scrungy hair, but could not provide anything further. and were driving a white Nissan with MD. registration, which was parked towards the east end of the parking lot. After receiving and information they were allowed to leave the area.

8 WARRANT(S)

YES

NO

9

CLAYTONS

C PHOTO

10 ID TECH NOTIFIED

11 INVESTIGATOR NOTIFIED

12

PAGE OF PAGES

13

STATUS: OPEN

SUSPENDED

CLOSED BY:

JASSEL

C RECEPTION

UNFOUNDED

14 REPORTING OFFICER

BADGE/ID

DATE

15 INVESTIGATOR

BADGE/ID

DATE

16 SUPERVISOR

BADGE/ID

DATE

130

NATIONAL PARK SERVICE

SUPPLEMENTAL CRIMINAL INCIDENT RECORD

JUVENILE CASE ☐

FIELD AREA	MO	DAY	YR	YEAR	CASE INCIDENT NUMBER
CLMP Fr. Mercy	0	7	12	0	9
STATUS OF INCIDENT	RECLASSIFICATION OF INCIDENT				
Death Investigation					

RESULTS OF INVESTIGATION

After speaking with [redacted] and [redacted] I went to observe the scene of the apparent suicide. After observing the scene of the apparent suicide with Inv. [redacted] Inv. Rolla and Identification Technician Simonello, I returned to the vehicle in an attempt to locate identification for the deceased and a suicide note. I obtained identification for the deceased from his wallet. The wallet was located in the interior pocket of the suit jacket lying on the front passenger seat of a gray Honda with Arkansas registration/RCN 504. The Arkansas drivers license identified the deceased as:

Vincent W. FOSTER

W/M, DOB: 01/15/45

Address: 5414 Stonewall kd.

Little Rock, Arkansas.

Also, present on the front passenger seat was a White House Identification in the name of Vincent W. Foster. The photographs from both identifications resembled the deceased. In searching the vehicle, I obtained correspondence that gave the following address of 3027 Cambridge Pl., N.W. Washington, D.C., for the deceased. I performed a thorough search of the vehicle and was unable to locate a suicide note.

Due to the fact that White House Identification was recovered, Lt. Gavin was notified and he made notification to the U.S. Secret Service.

After searching the vehicle, the keys to the vehicle could not be located, so Inv. Rolla and myself responded to Fairfax Hospital to recheck the decedents pockets. I located the keys to the vehicle in the decedents right front pants pocket. This set of keys and another set of keys were taken into custody to be held with the rest of the decedent's property.

Investigation continues.

WARRANT(S)	1010 TECH NOTIFIED	11 INVESTIGATOR NOTIFIED	12
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REPORTING OFFICER	BADGE/ID	DATE	15 SUPERVISOR

STATEMENT OF VINCE FOSTER'S FAMILY

Independent Counsel's Report on Vince Foster's death confirms what his family long has believed—that deep depression, which we never will fully understand, caused Vince to take his life. We also concur that the Whitewater affair had nothing to do with his death.

Vince's family appreciates the sensitive manner in which the Independent Counsel, lawyers working for him, and the FBI handled this investigation. Their efforts to find the truth were thorough and honest, and the family believes that questions as to how and why Vince died are now answered as best they can be. There is now no justification for painful, repetitious examination of those issues. The principal advocates for doing this appear chiefly motivated by mean-spirited partisanship; they certainly care not at all for the feelings of Vince's family, particularly those of his children who have suffered greatly. We are particularly appalled by the shameful statements on the House floor by a legislator who, in our view, is purposefully employing outrageous innuendo and speculation for political ends. It is so unfair for the family's privacy and emotions to be pawns in a partisan struggle.

Also despicable are the speculations about Vince's death being spread by those calling themselves Christian ministers.

We love Vince and miss him terribly. He was an honorable man and deserves to be treated with respect. On this anniversary of his death, our fervent hope is that this matter now will recede from public view and that the family will be left alone to deal with its loss in private, as we have done for the past year.

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 HOWARD A. McNEEL, REPUBLICAN STAFF DIRECTOR

United States Senate

COMMITTEE ON BANKING, HOUSING, AND
URBAN AFFAIRS

WASHINGTON, DC 20510-8075

March 7, 1994

Robert B. Fiske, Jr.
 Independent Counsel
 Office of the Independent Counsel
 Two Financial Centre, Suite 134
 10825 Financial Centre Parkway
 Little Rock, AR 72211

Dear Independent Counsel Fiske:

Your letter to me of this date has arrived requesting that the Banking Committee not conduct further hearings into the matters within the scope of your investigation. The concerns you outline in your letter - that a parallel Congressional investigation would interfere with your inquiry - are compelling and accurate.

Recent experience has shown that Justice Department prosecutions and convictions have been thwarted by untimely Congressional inquiries into the same matters.

It is my view that the Banking Committee should defer to your investigation.

When you have completed your investigative work - I will direct the Committee's efforts to any items you might bring to our attention - or which are otherwise brought into focus by your inquiry.

Respectfully yours,


 Donald W. Riegle, Jr.
 Chairman

cc: Senator Alfonse M. D'Amato
 Ranking Minority Member

DAVID W. BELL, JR. AMERICAN CHAIRMAN
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United States Senate

COMMITTEE ON BANKING, HOUSING, AND
 URBAN AFFAIRS

WASHINGTON, DC 20510-6075

March 7, 1994

Robert B. Fiske, Jr., Esq.
 Independent Counsel
 10825 Financial Centre Parkway
 Little Rock, Arkansas 72211

Dear Independent Counsel Fiske:

Thank you for your letter of March 7, 1994, expressing your concerns about the impact of Congressional hearings on your investigation.

As you know, I have been conscientiously pursuing Congressional hearings in order to discharge Congress' oversight responsibilities, and provide the American people with the facts. Throughout this process, and especially since your appointment, I have been mindful of protecting the integrity of any investigation into the serious allegations that have been made against high-level government officials and others.

I continue to be sensitive to the concerns you have expressed about the potential for Congressional action to complicate your investigation. At the same time, Congress, and particularly our Committee, has a duty to the American people to examine the facts and take appropriate oversight action involving government agencies within the Banking Committee's jurisdiction. Therefore your "request that [the Banking] Committee not conduct any hearings...." may be a premature and overly broad remedy.

I would be pleased to meet with you to discuss the issues raised by your letter. Given the importance of this matter, I suggest that we meet on Wednesday March 9th, at 11:30 a.m., or at a mutually convenient time.

Thank you in advance for your prompt attention to this inquiry.

Sincerely,



Alfonse M. D'Amato
 United States Senate



U.S. Department of Justice

Office of the Independent Counsel
 SENATOR RIEGLE
 WASHINGTON, D.C.

94 MAR 10 PM 4:34

Little Rock, Arkansas

March 7, 1994

The Honorable Donald W. Riegle, Jr.
 Chairman
 Committee on Banking, Housing
 and Urban Affairs
 United States Senate
 Dirksen Senate Office Building, Rm SD-534
 Washington, D.C. 20510-6075

The Honorable Alphonse M. D'Amato
 Ranking Minority Member
 Committee on Banking, Housing
 and Urban Affairs
 United States Senate
 Dirksen Senate Office Building, Rm. SD-534
 Washington, D.C. 20510-6075

Dear Senators Riegle and D'Amato:

I am writing this letter to express my strong concern about the impact of any hearings that your Committee might hold into the underlying events concerning Madison Guaranty Savings and Loan ("MGS&L"), Whitewater and Capital Management Services ("CMS") on the investigation that this Office is conducting into these matters.

As you know, I was appointed to the position of Independent Counsel pursuant to CFR 603.1 on January 31, 1994. Since that date we have obtained an Order from Chief Judge Stephen M. Reasoner in the Eastern District of Arkansas authorizing the empaneling of a grand jury which will be devoted exclusively to the Whitewater/MGS&L/CMS investigation. In the meantime, we have been using the regular grand jury for this District. We have a team of eight experienced attorneys, six of whom were current or former prosecutors when they joined the staff. We are working in Little Rock with a team of more than twenty FBI agents and financial analysts who are working full time on this matter. We are doing everything possible to conduct and conclude as expeditiously as possible a complete, thorough and impartial investigation.

Inquiry into the underlying events surrounding MGS&L, Whitewater and CMS by a Congressional Committee would pose a severe risk to the integrity of our investigation. Inevitably, any such inquiry would overlap substantially with the grand jury's activities. Among other concerns, the Committee certainly would seek to interview the same witnesses or subjects who are central to the criminal investigation. Such interviews could jeopardize our investigation in several respects, including the dangers of Congressional immunity, the premature disclosures of the contents of documents or of witnesses' testimony to other witnesses on the same subject (creating the risk of tailored testimony) and of premature public disclosure of matters at the core of the criminal investigation. This inherent conflict would be greatly magnified by the fact that the Committee would be covering essentially the same ground as the grand jury.

While we recognize the Committee's oversight responsibilities pursuant to Section 501 of PL 101-73 (FIREAA), we have similar concerns with a Congressional investigation into the recently-disclosed meetings between White House and Treasury Department officials -- particularly because we believe these hearings will inevitably lead to the disclosure of the contents of RTC referrals and other information relating to the underlying grand jury investigation.

For these reasons, we request that your Committee not conduct any hearings in the areas covered by the grand jury's ongoing investigation, both in order to avoid compromising that investigation and in order to further the public interest in preserving the fairness, thoroughness, and confidentiality of the grand jury process.

I will be glad to meet with you personally to explain our position further if you feel that would be helpful.

Respectfully yours,



ROBERT B. FISKE, JR.
Independent Counsel



Office of Thrift Supervision
Department of the Treasury

Director

1700 G Street, N.W., Washington, D.C. 20552 • (202) 906-6590

March 17, 1994

The Honorable Alfonse M. D'Amato
Ranking Minority Member
Committee on Banking, Housing
and Urban Affairs
United States Senate
Washington, D.C. 20510

Dear Senator D'Amato:

I am writing you to respond to inaccuracies that appeared in a March 16, 1994 New York Times article regarding enforcement decisions it is asserted I made related to Madison Guaranty Savings and Loan. Although OTS does not ordinarily make an effort to point out inaccuracies in press articles, because this article has generated significant media and Congressional interest, I believe the effort here is worthwhile. My response must be limited, however, because it is OTS policy (similar to that of other agencies with enforcement powers) to refrain from discussing whether or not an enforcement action is underway or was ever contemplated or rejected.

The article contains a report that OTS (specifically, myself and the Acting Chief Counsel) turned down a request from a senior lawyer in the Midwest region to open a formal investigation into Madison Guaranty Savings and Loan. The article goes on to imply that this decision was made in consultation with senior political appointees at the Treasury Department, because the Chief Counsel and I "rarely make major decisions without high-level consultations."

First, contrary to the statement in the article, in my fifteen months as Acting Director, I have never been a party to any decisions either to initiate or not to initiate any investigations involving thrift institutions. My involvement in enforcement actions occurs only at the end of the process, after an investigation is completed, and a notice of charges or a consent agreement is presented to me for decision.

Second, formal investigations are proposed by regional exam staff in consultation with regional enforcement attorneys, considered by the enforcement review committee and regional director of the region in which the thrift is located, and, if approved, forwarded to the Chief Counsel for concurrence in consultation with the Deputy Director for Regional Operations.

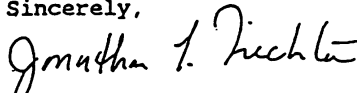
The Honorable Alfonse M. D'Amato
Page 2

Third, neither I nor OTS staff consult with Treasury Department officials on enforcement actions. The Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA) specifically prohibited such consultations, and we have adhered scrupulously to this requirement.

The OTS is a bureau of Treasury. I report to Frank Newman, Under Secretary of the Treasury. The only conversation I have ever had with Treasury regarding OTS enforcement activities relating to Madison occurred on March 16, 1994 when Mr. Newman mentioned the New York Times article and asked whether I had ever consulted with anyone at Treasury regarding any investigations or enforcement actions. I assured him that I had not had any conversations with Treasury officials on enforcement-related activities regarding Madison and that I was unaware of any conversation or memoranda between OTS staff and Treasury on this subject.

The staff of the Office of Thrift Supervision has worked diligently since the passage of FIRREA to restore the credibility of the thrift regulatory function and to clean up the thrift industry. Your committee has been supportive of our efforts. While it is always possible to second guess our decisions, I believe we have done a credible job of carrying out our mission. Our decisions have been based solely on the facts as we know them, applicable law, and the agency's supervisory objectives.

Sincerely,



Jonathan L. Fiechter
Acting Director

Identical letters sent to:

The Honorable Donald W. Riegle, Jr.
The Honorable Henry B. Gonzalez
The Honorable James A. Leach

DONALD W. BRIDLE, JR., MICHIGAN, CHAIRMAN

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STEVEN E. HARRIS, STAFF DIRECTOR AND CHIEF OF STAFF
HOWARD A. HENRIK, REPUBLICAN STAFF DIRECTOR

United States Senate

COMMITTEE ON BANKING, HOUSING, AND
URBAN AFFAIRS

WASHINGTON, DC 20510-6076

May 23, 1994

Robert B. Fiske, Jr.
Independent Counsel
Office of the Independent Counsel
Two Financial Center
10825 Financial Center Parkway
Suite 134
Little Rock, Arkansas 72211

Dear Mr. Fiske:

According to recent press accounts, you have indicated that a White House review of Treasury documents relating to contacts involving government investigations of Madison Guaranty Savings and Loan Association could be conducted without interfering with your investigation. Consequently, Congressional review of the Treasury documents released to the White House would also be appropriate at this time.

Additionally, it is my understanding that you are not investigating Mrs. Clinton's commodities trading activities which, nonetheless, merit Congressional oversight. As a result, Congressional oversight activities in this area would certainly not affect your investigation.

In furtherance of our endeavor to coordinate our efforts in fulfilling our respective responsibilities, it would be useful to ascertain whether you concur with the conclusion that Congressional review of the Treasury documents released to the White House and oversight activities relating to Mrs. Clinton's commodities trading would not impede your investigation.

Your prompt response, no later than May 31, 1994, will assist us in determining how best to carry out our Congressional oversight responsibilities.

Sincerely,



Alfonse M. D'Amato



U. S. Department of Justice

Office of the Independent Counsel

1001 Pennsylvania Avenue, N.W.

202-514-6688

Suite 490-North

Washington, D.C. 20004

May 26, 1994

The Honorable Alphonse M. D'Amato
United States Senator
Ranking Minority Member
Committee on Banking, Housing and
Urban Affairs
Dirksen Senate Office Building, Room SD-534
Washington, D.C. 20515-6075

Dear Senator D'Amato:

I am responding to the two questions raised in your letter of May 23, 1994.

The commodity transactions of Mrs. Clinton occurred during a period of time which is outside the applicable statute of limitations. We do not preclude looking into those transactions if circumstances develop during our investigation which would nonetheless make that trading relevant to our investigation. I have no present objection to any hearings which Congress might wish to hold on that subject.

The White House review of Treasury documents relating to contacts between the White House and Treasury officials involves a small number of documents which will not take anyone very long to review. Because of the risk of such documents becoming public prior to the completion of our investigation, I would prefer that you defer obtaining those documents at this time. I am confident that following that procedure will not cause any delay in any hearings you may decide to hold.

Respectfully yours,

ROBERT B. FISKE, JR.
Independent Counsel

cc: The Honorable Donald W. Riegle, Jr.
Chairman



SENATOR RIEGLE
WASHINGTON, D.C.

94 MAY 31 PM 2:35

U. S. Department of Justice

Office of the Independent Counsel

1001 Pennsylvania Avenue, N.W.

202-514-6688

Suite 490-North

Washington, D.C. 20004

May 26, 1994

The Honorable Donald W. Riegle, Jr.
Chairman
Committee on Banking, Housing and
Urban Affairs
United States Senate
Dirksen Senate Office Building, Room SD-534
Washington, D.C. 20510-6075

Dear Senator Riegle:

For your information, I am enclosing herewith a copy of a May 23, 1994 letter, I received from Senator D'Amato and a copy of my response.

Respectfully yours,

ROBERT B. FISKE, JR.
Independent Counsel

Enclosures

cc: The Honorable Alphonse M. D'Amato
United States Senator

DONALD W. RIEGLE, JR., MICHIGAN, CHAIRMAN

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United States Senate

COMMITTEE ON BANKING, HOUSING, AND
 URBAN AFFAIRS

WASHINGTON, DC 20510-6075

June 21, 1994

Robert B. Fiske, Jr.
 Independent Counsel
 Office of the Independent Counsel
 Two Financial Center
 10825 Financial Center Parkway
 Suite 134
 Little Rock, Arkansas 72211

Dear Mr. Fiske:

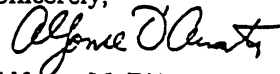
According to a March 16, 1994 New York Times article, a senior Office of Thrift Supervision (OTS) lawyer requested that the OTS open a formal investigation into Madison Guaranty Savings and Loan. The article also implies that this request was turned down by OTS Acting Director, Jonathan Fiechter, and Acting General Counsel, Carolyn Lieberman, possibly in consultation with high level Treasury officials. I have enclosed a copy of the New York Times article and a letter I received from Jonathan Fiechter regarding the article.

In order to prepare for the upcoming Senate oversight hearings, I would like you to answer the following questions:

1. Are these allegations involving the OTS part of the "Washington phase" of your investigation?
2. Would including allegations of OTS misfeasance, as described above, in Senate oversight hearings impede your investigation?

In light of the resolution passed today authorizing Senate oversight hearings into Whitewater, your prompt response to this letter is appreciated.

Sincerely,



Alfonse M. D'Amato

cc: Donald W. Riegle, Jr., Chairman



U. S. Department of Justice

Office of the Independent Counsel

Two Financial Centre
10825 Financial Centre Parkway
Suite 134
Little Rock, Arkansas 72211

501-221-8700

June 23, 1994

BY FAX

The Honorable Alphonse M. D'Amato
United States Senator
Ranking Minority Member
Committee on Banking, Housing and
Urban Affairs
Dirksen Senate Office Building, Rm. SD-534
Washington, D.C. 20515-6075

Dear Senator D'Amato:

This Office is investigating the allegations you described in your letter dated June 21, 1994. That investigation will be finished before the Senate oversight hearings begin.

Respectfully yours,

Robert B. Fiske, Jr.
ROBERT B. FISKE, JR.
Independent Counsel

cc: Hon. Donald W. Riegle, Jr., Chairman

DONALD W. REGLE, JR., MICHIGAN CHAIRMAN

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TTY BUREAU, WASHINGTON	

STEVEN B. HARRIS, STAFF DIRECTOR AND CHIEF COUNSEL
HOWARD A. MENELL, REPUBLICAN STAFF DIRECTOR

United States Senate

COMMITTEE ON BANKING, HOUSING, AND
URBAN AFFAIRS

WASHINGTON, DC 20510-6075

July 1, 1994

Robert B. Fiske, Jr.
Office of the Independent Counsel
1001 Pennsylvania Avenue, NW
Suite 490 North
Washington, D.C. 20037

Dear Mr. Fiske:

On June 21, 1994, the Senate passed Resolution 229, a copy of which is enclosed, directing the Committee on Banking, Housing, and Urban Affairs to conduct hearings on matters specified in the resolution.

In preparation for the hearings, we request that you provide to the Committee all records that are within your custody, control or possession, regardless of format, that relate in any manner to the following subjects:

- (a) communications between officials of the White House and the Department of the Treasury or the Resolution Trust Corporation relating to the Whitewater Development Corporation and the Madison Guaranty Savings and Loan Association;
- (b) the Park Service Police investigation into the death of Vincent Foster; and
- (c) the way in which White House officials handled documents in the office of Vincent Foster at the time of his death.

These records should be delivered to Kelly Cordes, the Committee's Chief Clerk, 534 Dirksen Senate Office Building. As you know, Senate Resolution 229 provides that public hearings on this matter begin no later than July 29, 1994. Therefore, it is necessary that these documents be received by the Committee no later than July 11, 1994, and prior to that date, if possible. Please provide us, together with the delivery of documents, with a list of the records that you are submitting so that the Committee and you have a common list of the records supplied by you.

If you at one time had records on the matters listed above, but have provided them to someone else, please advise us in writing, by July 11, 1994, to whom you provided those records and furnish us a list of the records provided.

Robert B. Fiske, Jr.

July 1, 1994

Page Two

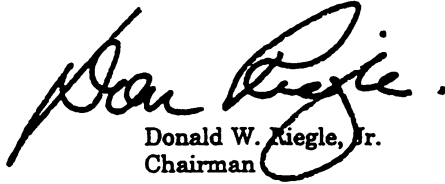
If you have any questions concerning this request, please call Michael Davidson, Senate Legal Counsel, at (202) 224-4435. This request is, of course, an initial request and may be supplemented by additional ones.

Your cooperation in this matter is greatly appreciated.

Sincerely,



Alfonse M. D'Amato
Ranking Member



Donald W. Riegle, Jr.
Chairman

Enclosure



U. S. Department of Justice

Office of the Independent Counsel

*Two Financial Centre
10025 Financial Centre Parkway
Suite 134
Little Rock, Arkansas 72211*

501-221-8700

July 15, 1994

VIA FACSIMILE AND REGULAR MAIL

The Honorable Donald W. Riegle, Jr.
Chairman
United States Senate
Committee on Banking, Housing, and
Urban Affairs
Washington, D.C. 20510-6075

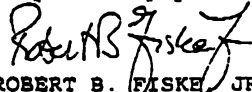
The Honorable Alphonse M. D'Amato
Ranking Member
United States Senate
Committee on Banking, Housing, and
Urban Affairs
Washington, D.C. 20510-6075

Dear Chairman Riegle and Senator D'Amato:

As I advised you in our meeting today, our investigation into the handling of documents in Vincent Foster's office is continuing. There are questions that are unanswered at this point which we must do our very best to try to resolve before we can complete the investigation.

We believe that public hearings on the subject of the handling of documents in Mr. Foster's office while this investigation is continuing could prejudice our investigation.

Respectfully yours,


ROBERT B. FISKE JR.
Independent Counsel

DONALD W. RIEGLE, JR., MICHIGAN, CHAIRMAN
 PAUL S. BARBARIS, MARYLAND
 CHRISTOPHER J. BODD, CONNECTICUT
 JIM BASSER, TENNESSEE
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United States Senate

COMMITTEE ON BANKING, HOUSING, AND
 URBAN AFFAIRS

WASHINGTON, DC 20510-8075

STEVEN S. HARRIS, STAFF DIRECTOR AND CHIEF COUNSEL
 HOWARD A. MENELL, REPUBLICAN STAFF DIRECTOR

July 26, 1994

Mr. Robert B. Fiske
 Independent Counsel
 U.S. Department of Justice
 1001 Pennsylvania Avenue, N.W.
 Suite 490 North
 Washington, D.C. 20004

Dear Mr. Fiske:

Pursuant to Senate Resolution 229, the Senate Committee on Banking, Housing and Urban Affairs will be conducting a hearing on July 29, 1994, at 9:30 a.m. in room 106 of the Dirksen Senate Office Building on the death of Vincent Foster and the subsequent investigations of his death.

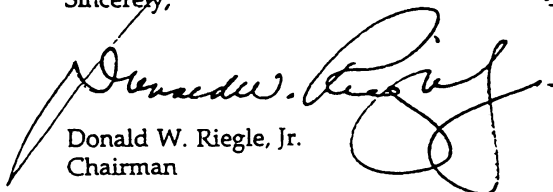
We would like to call as witnesses the agents who are intimately familiar with the investigation conducted by the Office of the Independent Counsel and who could provide a clear overview of the nature and findings of that investigation. In addition, we would like to call evidence technicians who have the expertise to testify about the firearms, chemical, serological, DNA, optical, fiber, hair, mineralogical, bloodstain, metallurgical, photographic, key and fingerprint analyses conducted at the request of the Office of the Independent Counsel.

If the witnesses desire to prepare and deliver a written statement in addition to their testimony they should deliver 120 copies of their written testimony to the Committee at Room 534 of the Dirksen Senate Office Building on July 28, 1994. They should limit their opening oral remarks to five minutes. Their written statements will be included in the record. If there are any questions or any need for clarification, please have your staff contact Glenn Ivey at (202) 224-7391.

Sincerely,



Alfonse D'Amato
 Ranking Member



Donald W. Riegle, Jr.
 Chairman



U. S. Department of Justice

Office of the Independent Counsel

Two Financial Centers

501-221-8700

10825 Financial Center Parkway

Suite 134

Little Rock, Arkansas 72211

VIA FACSIMILE AND REGULAR MAIL

July 28, 1994

William Codinha, Esq.
Committee on Banking, Housing
and Urban Affairs
Dirksen Senate Office Building
Room 534
Washington, D.C. 20510

Michael Chertoff, Esq.
Committee on Banking, Housing
and Urban Affairs
Dirksen Senate Office Building
Room 534
Washington, D.C. 20510

Dear Messrs. Codinha and Chertoff:

In its production to you of July 11, 1994, the Office of the Independent Counsel released partial transcripts of the sworn testimony of President Clinton and Hillary Rodham Clinton. The portions released to you consist of all questions and responses pertaining to our investigation into the death of Vincent W. Foster, Jr. -- an investigation that was not conducted through the use of a grand jury. The remaining portions of the Clintons' testimony pertained to matters that were and are under investigation by a federal grand jury and, as such, have been read verbatim to that grand jury.

It is our view that Federal Rule of Criminal Procedure 6(e) -- prohibiting disclosure of "matters occurring before the grand jury" -- precludes us from releasing this material to you. In reaching this conclusion, we have been guided by case law stating that "quoting or summarizing grand jury testimony" falls within the "broad reach of grand jury secrecy." Fund for Constitutional Government v. National Archives and Record Service, 656 F.2d 856, 869 (D.C. Cir. 1981), and that "[n]o meaningful distinction can be drawn between transcripts and witness interviews conducted outside the grand jury's presence but presented to it." In re Grand Jury Matter, 697 F.2d 511, 512 (3d Cir. 1982).

As the release of this testimony would elucidate matters occurring before the grand jury, we believe we are obligated under Federal Rule of Criminal Procedure 6(e) to maintain its secrecy.

Respectfully yours,

ROBERT B. FISKE, JR.
Independent Counsel

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FEDERAL BUREAU OF INVESTIGATION

Date of transcription 5/23/94

On May 12, 1994, JAMES M. LYONS, was interviewed in Washington, D.C. where he had come for a business trip. LYONS advised that he is an attorney

After being advised of the identity of the interviewing agent and the nature and purpose of the interview, LYONS provided the following information:

LYONS advised that he met FOSTER sometime in 1987 through HILLARY RODHAM CLINTON and then Governor CLINTON. At the time FOSTER was Senior Litigator with the Rose Law Firm in Little Rock, Arkansas. LYONS' own background was that from July 1992 to November 1992, he was Counsel to the CLINTON-GORE Presidential Transition Planning Foundation; and from November 1992 to February 1993, LYONS worked for WARREN CHRISTOPHER, who was Counsel to the Office of the President elect. LYONS explained that there were two or three attorneys working in a legal function for CHRISTOPHER and he was one of those. At the time FOSTER was winding up his legal practice in preparation for coming to Washington, D.C.

LYONS characterized his relationship with FOSTER as primarily a personal one although they worked together frequently on various legal matters. LYONS had had occasion to be in Little Rock on a temporary basis, although for many weeks at a time and he came to be quite good friends with FOSTER and the FOSTER family. They had much in common, they were the same age, they were both attorneys, they both had children, and shared a lot of interests and concerns. They enjoyed each other's company very much.

LYONS advised that he travels to Washington, D.C. quite frequently and saw FOSTER every few weeks. He had noticed that FOSTER had had a weight loss after he came to Washington. He characterized FOSTER as a very hard worker and LYONS believed that it was stress induced weight loss. He noted that FOSTER did

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Date dictated 5/17/94

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not normally carry a lot of weight and so any small loss was relatively noticeable.

LYONS said that it seemed that the press had been particularly vicious in their attacks on the members of the Rose Law Firm individually. The Wall Street Journal, in particular, had begun a series of articles, first criticizing WEBB HUBBELL and then FOSTER himself, particularly with regard to the Health Care Task Force. The task force was sued on the issue of whether or not their proceedings should operate openly or behind closed doors. FOSTER won a victory for the Task Force (and by association, for HILLARY RODHAM CLINTON) on that matter and the Wall Street Journal accused him of "sharp tactics". LYONS advised that that allegation really bothered FOSTER.

FOSTER called the LYONS Wednesday or Thursday the week before his death. LYONS returned his call and FOSTER asked him if LYONS would be available to come to Washington on short notice. LYONS asked FOSTER, "what does short notice mean? Do you need me to come today?" FOSTER said, "No. I just needed to know you could come on short notice." FOSTER was evidentially anticipating a legal attack in connection with the Travelgate scandal.

FOSTER again called LYONS the Sunday night before his death after FOSTER and his wife LISA had returned from their weekend. FOSTER told LYONS about the weekend. He said he had had a great a weekend and agreed that he ought to do it more often. They confirmed that LYONS was coming to Washington, D.C. the following Wednesday, July 21, 1993.

LYONS was coming to D.C. for other business also, but one of the primary reasons for coming was to meet with FOSTER with regard to representing FOSTER as a personal attorney on Travelgate matters. LYONS advised that FOSTER was anticipating further investigation on the Travelgate issue and he was considering asking LYONS to be his personal attorney. LYONS advised that he had read Chief of Staff, MAC MCLARTY's report on the Travelgate matter and felt that the report pretty well put the matter to rest. FOSTER didn't think so and he told LYONS that, "I'd like you to take a look at it." For this reason LYONS read the report again in order to give FOSTER his perspective on it. LYONS said that he felt it possible that FOSTER knew he needed a perspective other than his own, but it was unclear whether that was just his professional common sense or whether he

OIC 000320

sensed he was losing perspective himself

LYONS felt that FOSTER believed that the allegation that BILL KENNEDY acted inappropriately when he called DOJ or the FBI directly when he first uncovered and feared financial improprieties in The White House Travel Office was unfair. There was a question whether KENNEDY should have gone through a different chain-of-command. There was a question whether the FBI agents, allegedly sensitive to the argument that they had made a mistake in responding to KENNEDY's call, had reason to mischaracterize the nature of their initial meetings at The White House. LYONS advised that the Department of Justice has also interviewed him with regard to possible OPR infractions. Essentially, the FBI Special Agent's account of those initial conversations differs from KENNEDY's account and when FOSTER had a choice between believing his friend or believing the FBI, he believed KENNEDY. That is what LYONS believes lies at the core of the notation in FOSTER's list of things that were bothering him where he says that the FBI lied.

FOSTER was clearly distressed about the "Travelgate" matter. He felt that he and KENNEDY had become, essentially, witnesses with regard to Travelgate and that The White House would to deal with the matter who weren't in that category. He felt strongly that The White House should hire outside counsel to be handling the Travelgate matter for this reason. He also believed that he would be needing a personal attorney to represent him in the matter.

After FOSTER's death, LYONS found out that FOSTER had also talked to

as possible attorneys to represent him in the Travelgate matter.

LYONS advised that during the telephone conversation on Sunday, July 18, 1993, they confirmed that LYONS was coming to Washington, D.C. on the following Wednesday and they would get together. It was anticipated that they would leave The White House and discuss the matter of private representation and also have dinner together. LYONS had insisted on not doing the interview in The White House. He called FOSTER again on July 20 late in the morning. He was simply calling to confirm when he was coming in and final arrangements for meeting. He thinks he

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possibly saw FOSTER on CNN, during the report of The Rose Garden Ceremony of appointing LOUIS FREEH to be Director of the FBI, but he is not certain. FOSTER was not available to take his call.

BRUCE LINDSEY's office called him later that night about 7:00 pm Denver time (9:00 pm D.C. time) to tell him of FOSTER's apparent suicide. LYONS said that he was terribly shocked at the news of FOSTER's death but has subsequently come to terms with the fact that it seems to be in the nature of the disease of depression that these things sometimes happen, very quickly and without much warning. LYONS' wife is a psychiatric nurse and they have discussed depression a good deal as a result of FOSTER's death. He is currently of the opinion that FOSTER probably suffered from chronic untreated depression.

LYONS observed that the West Wing of The White House was an absolutely terrible place to work, with a great deal of intense pressure and public criticism. FOSTER was accustomed to being in control. He was the most well respected litigator in his firm in Little Rock. By contrast, in Washington, D.C. he was being pounded away at every day and was coping with an environment where he lacked control.

FOSTER believed that private sector attorneys should be handling many of the matters they were handling, both for ethical and workload reasons. The CLINTON Administration had called for a 25 percent cut. Under the BUSH Administration the Counsel's office had 18 to 20 lawyers at its peak and when CLINTON took office there were only 6 or 7. There were many discussions about the composition and the character of the associates in the Counsel's office and everybody was spread incredibly thin.

LYONS was not aware of any matter which caused FOSTER to be working very closely with _____ or _____

It is LYONS' opinion that FOSTER had a very strong and very stable marriage with LISA FOSTER. He does not know who FOSTER may have regarded as a confidant but he would guess that it was LISA FOSTER. LYONS further advised that rumors of an affair between FOSTER and HILLARY CLINTON had no basis in fact. He speculated that the rumors were fueled by the fact that they traveled together as attorneys must sometimes. FOSTER never discussed the rumors with LYONS. There did not appear to be a need to do so because they both understood that such tawdry

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rumors were just an unfortunate effect of professionals, men and women, working and traveling together.

LYONS also could not provide any information with regard to the handling of FOSTER's papers in his office following his death.

In closing, LYONS said that he never saw any indication whatsoever of "unbalance" in FOSTER. They had spent a lot of time together in Little Rock and had much in common. They shared similar wedding anniversaries and had talked about going together on a joint trip to celebrate those anniversaries. LYONS had seen no evidence of depression or psychiatric imbalance. He described FOSTER as very self-possessed and concluded that FOSTER had apparently been so good at appearing to cope with life that nobody noticed that he was ill.

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Date of transcription 7/5/94

as interviewed telephonically on June 27, 1994. Having been advised of the identity of the interviewing agent from a previous interview with the same agent on May 12, 1994 and being advised of the nature and purpose of the telephonic interview, LYONS provided the following information:

Asked whether he had ever discussed Whitewater or Madison Guaranty Savings and Loan with VINCENT FOSTER, Jr.'s, LYONS said that he was sure that they had discussed Whitewater at some time. He explained that he had prepared a report (known as the LYONS report) concerning Whitewater during the Presidential campaign. That was the time period when he remembered some discussion with FOSTER about Whitewater although he had no specific recollection of specific conversation. He advised that the last time they spoke about it was in the context of FOSTER's preparing corporate tax returns which included statements on the Whitewater properties. Nothing was ever discussed about Madison Guaranty Savings and Loan.

FOSTER wanted to wrap and conclude the CLINTONS' interest in Whitewater Development Corporation and there were loose ends to attend to with regard to JAMES MCDOUGAL because he had the physical records pertaining to the company. It was not, however, a burning issue or one that presented the possibility of a scandal as evidenced by the fact that FOSTER took approximately six months to get around to tying up these administrative matters and getting to MCDOUGAL for his signature on the tax return.

LYONS advised that he had no discussions whatsoever with VINCE FOSTER about Whitewater after approximately March, 1993, because that marked the end of the first quarter of 1993 when the forms were due. LYONS further advised that he never had any discussion with VINCE FOSTER indicating that FOSTER was concerned about Whitewater or that he was concerned that there was any other scandal related to Whitewater that he needed to keep a lid on or otherwise protect the CLINTONs from.

(telephonically)
Investigation on 6/27/94 at Washington, D.C. File # 29D-LR-35063
by _____ Date dictated 6/28/94 OIC 000445

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FEDERAL BUREAU OF INVESTIGATION

Date of transcription 5/23/94

On May 16, 1994, FLETCHER JACKSON Assistant U.S. Attorney for the Eastern District of Arkansas,

was interviewed at the U.S. Attorney's temporary office in the TCBY Tower Building at 5th & Capital Street in Little Rock. After being advised of the identity of the interviewing agents and the nature and purpose of the interview, JACKSON provided the following information:

JACKSON advised that he could not remember exactly what day the search warrant for DAVID HALE's Little Rock office (also known as the offices of Capital Management Services, Inc.) was signed by the magistrate but as of that signing, he advised that the only people who knew of it were , who signed it; Judge Young's secretary (name unknown); , who is JACKSON's secretary and who typed some of the applications for the search warrant; and who was Acting U.S. Attorney, and JACKSON himself. The only other individuals to know of it would have been FBI personnel, some of whom knew that it had been planned for over a month.

He advised that neither nor knew about it.

The only other avenue through which Vince Foster could possibly have known about the search was that the morning of the search, which occurred some time between 9:00 and 9:30 am, agents went to Hale's office in Little Rock and Hale was not there but he was at a location six or seven miles away where he was fulfilling magistrate responsibilities. He found out that a search was being conducted of his office and he made a phone call that morning. JACKSON advised that he doesn't know who that phone call was made to but that whoever it was may have been a possible conduit of FOSTER finding out about the search if indeed he did. At the time, JACKSON did not connect FOSTER's death with the search of HALE's office. To this day he doesn't know that there is a connection.

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Investigation on May 16, 1994 at Little Rock, Arkansas File # 29D-LR-35063

y _____ Date dictated May 17, 1994

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FEDERAL BUREAU OF INVESTIGATION

Date of transcription - 6/2/94

On May 18, 1994, C. BRANTLEY BUCK, Partner ROSE LAW FIRM was interviewed at the FBI offices in Little Rock, Arkansas. Also present was his attorney

After being advised of the identity of the interviewing agents and the nature and purpose of the interview, BUCK provided the following information:

BUCK advised that he had known VINCE FOSTER, JR. for approximately 20 years to their connection with the ROSE LAW FIRM in Little Rock, Arkansas. Their contact was on a weekly basis. He characterized their relationship as fairly close, primarily professional, and noted that did not socialize outside the office. The last time he saw VINCE FOSTER was at BILL CLINTON's inauguration.

He described FOSTER as very professional and very intelligent. He was not a very outgoing individual and probably the type to internalize problems and difficulties. They did not have the kind of relationship where FOSTER would have confided problems to BUCK.

BUCK speculated that FOSTER's confidants would have been

BUCK advised that he didn't know how FOSTER handled stress, but noted that he appeared to cope extremely well with it. It was his impression that FOSTER was very successfully in coping with a terrific amount of stress which BUCK imagined the first year of FOSTER's tenure at The White House would have been.

BUCK was not aware of any problems that FOSTER may have been having such as gambling or financial difficulties or extra-marital affairs. With regard to health matters, he recalled that FOSTER exercised regularly and that physical fitness seemed to be important to him. He used the ROSE LAW FIRM gym facilities on a daily basis. He felt that it certainly would have been a factor

Investigation on 5/18/94 at Little Rock, Arkansas File # 29D-LR-35063
by _____ Date dictated 5/25/94
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in increasing FOSTER's stress if he was not able to work out any longer.

BUCK opined that from a laymen's standpoint and with hindsight, FOSTER appears to have suffered from classic depression. He found out about FOSTER's suicide from who called him from Washington, D.C. on July 20, 1993 at approximately 11:30 pm D.C. time to notify him of FOSTER's death.

BUCK advised that the reason he called FOSTER on July 20 related to the preparation to the blind trust for President and First Lady CLINTON. BUCK explained that he was preparing the blind trust and coordinating the effort through VINCE FOSTER. He further explained that once the contents of a blind trust are certified by the Office of Government Ethics, there is a 30 day period within which the documents all have to be executed. BUCK had sent documents to Washington, D.C. for President CLINTON to sign. BUCK had in his possession already, documents for HILLARY CLINTON to sign and it was expected that HILLARY CLINTON would be coming through Little Rock and would be available to sign remaining documents on or about July 21. She had been gone for two or three weeks on a trip to Japan. BUCK had many documents for HILLARY CLINTON to sign and a few that the President needed to sign. VINCE FOSTER was supposed to make sure that the President signed the documents and that they were mailed to BUCK in Little Rock.

BUCK had called VINCE FOSTER on July 19 to check on the status of the documents and hadn't been able to reach FOSTER. He called again on the 20th, FOSTER returned his call at 12:17 D.C. time. BUCK called back at approximately 1:00 pm D.C. time. There were no difficulties with the blind trust per say FOSTER had been handling the whole matter completely normally. It was done the only tasks which needed to be completed were ministerial. As it turned out BUCK did not receive the documents from President CLINTON but there was no permanent damage because he evidently did get all the documents executed within the 30 day period.

BUCK advised that he has only spoken to LISA FOSTER on a casually basis, so he does not know her well. He did not know FOSTER to hunt or have an interest in guns but FOSTER didn't seem like the type to hunt or have such an interest. He was surprised when he heard that FOSTER had used a gun since FOSTER seemed to be a very non-violent person. It was, however, a no nonsense

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Continuation of FD-302 of C. BRANTLEY BUCK, On 5/18/94, Page 3

foolproof method of committing suicide and that was consistent with the way FOSTER went about completing tasks.

The only change that BUCK noticed in FOSTER after he became Deputy Counsel was that FOSTER was not normally a very talkative person but he became noticeably less talkative after going to The White House. BUCK said that he would try to joke back and forth a little bit and be met with a stony silence on the phone. He attributed it to the fact that FOSTER was no longer a partner in the firm and he was just not able to "chit-chat" anymore. From early January and February 1982, FOSTER was very businesslike. BUCK advised that this didn't cause any ill feeling between the two and he did not know whether other individuals had experienced or noticed the same thing with FOSTER. He did not have the impression that FOSTER didn't have time to talk with him anymore because he wasn't important. BUCK advised that with regard to the telephone tag they were playing on July 20, he believes that FOSTER would have or should have known why BUCK was calling him that day.

Around the time that the Wall Street Journal articles were appearing about ROSE LAW FIRM partners, BUCK had occasion to be talking business with FOSTER and jokingly ask him if he made the Journal today. FOSTER simply replied, "No, and I hope I never do again". BUCK advised that it seemed like a very normal response. FOSTER was never irate nor very angry. He doesn't recall ever seeing FOSTER lose his temper.

Report of the
Independent Counsel
In Re
Vincent W. Foster, Jr.

Washington, D.C.
June 30, 1994

Robert B. Fiske, Jr.
Independent Counsel

Roderick C. Lankler
Deputy Independent Counsel

Mark J. Stein
Carl J. Stich, Jr.
Associate Independent Counsel

REPORT ON THE DEATH OF VINCENT W. FOSTER, JR.

INTRODUCTION

In the early evening of July 20, 1993, the body of Deputy White House Counsel Vincent W. Foster, Jr. was found in Fort Marcy Park in Fairfax County, Virginia. The United States Park Police ("Park Police") investigated the death and concluded that it was a suicide.

Since that time, questions have been raised concerning the circumstances of Foster's death, specifically:

- 1) Were the Park Police correct that Foster committed suicide, or was he murdered?;
- 2) If the death was a suicide, did it occur in Fort Marcy Park or had the body been moved?; and
- 3) If Foster committed suicide, was it motivated in any way by concerns Foster may have had about legal issues related to the Clintons' involvement with the Whitewater Development Company, Inc. ("Whitewater"), Madison Guaranty Savings & Loan ("Madison Guaranty"), or Capital Management Services, Inc. ("CMS")?

As a result of speculation about a possible link between Foster's death and issues related to Whitewater, Madison Guaranty, and CMS, the Office of the Independent Counsel ("this Office") conducted a thorough investigation into each of the questions listed above.

THE INVESTIGATION

Roderick C. Lankler directed the Independent Counsel's investigation into Foster's death. For eight of his thirteen years in the Manhattan District Attorney's Office, Mr. Lankler served in the Homicide Bureau, investigating and prosecuting murder cases. He was assisted in this investigation by Associate Counsels Mark Stein and Carl Stich. Russell Hardin, Jr., also an Associate Counsel, reviewed and analyzed the evidence compiled during this investigation. Mr. Hardin is a former Assistant District Attorney in Houston, Texas who has also investigated and tried numerous homicide cases.

The Federal Bureau of Investigation ("FBI") provided substantial and invaluable support in this investigation. The FBI assigned seven experienced agents to the Independent Counsel's Washington Office, all of whom have worked exclusively with this Office for approximately the last four months. Assistance was also provided by representatives of the FBI's National Center for the Analysis of Violent Crime. In addition, experts in the FBI Laboratory performed a thorough analysis of the available evidence.

In the course of the investigation, this Office interviewed approximately 125 people. Those interviewed included numerous close friends and relatives of Foster, who provided insight into Foster's activities and state of mind during the weeks

prior to his death. This Office also interviewed numerous people who worked with and for Foster in the White House, including President William Jefferson Clinton; First Lady Hillary Rodham Clinton; Chief of Staff Thomas McLarty; Assistants to the President Bruce Lindsey, John Podesta, Ricki Seidman and George Stephanopoulos; Deputy Assistants to the President Charles ("Bill") Burton, and Marsha Scott; former Deputy Chief of Staff Roy Neel; Mrs. Clinton's Chief of Staff Margaret Williams; former General Counsel Bernard Nusebaum; Associate Counsels William Kennedy, Stephen Neuwirth, Beth Nolan and Clifford Sloan; Foster's Executive Assistant Deborah Gorham, and other staff who worked in the White House Counsel's offices. In addition, we contacted and interviewed everyone whom our investigation revealed may have spoken or attempted to speak with Foster in the days prior to his death, including Foster's close friend, former Associate Attorney General Webster Hubbell.

Everyone known to have been in Fort Marcy Park on the afternoon or evening of July 20, 1993, also was questioned. This includes: a confidential witness who first found the body; the members of the Fairfax County Fire and Rescue Department who responded to the Park; the Park Police investigators, officers and technicians who conducted the investigation in the Park; the Fairfax County Medical Examiner; and others who were in or near the

* It should be noted that Mr. Foster's wife, Elizabeth "Lisa" Foster, his three children, and other close family members were extremely helpful and cooperative with this Office under obviously difficult circumstances.

Park on that day for reasons unconnected with Foster's death. The Medical Examiner who conducted the autopsy was also interviewed.

In addition to conducting interviews, this Office examined documentary and photographic evidence, including documents obtained by the Park Police at the time of Foster's death from his wallet and his car; documents removed from Foster's office at the White House and turned over to either the Clintons' private attorney or the Foster family attorney; photographs of Foster's body taken by the Park Police in Fort Marcy Park; the Northern Virginia District Medical Examiner's autopsy report; and photographs taken during the autopsy. This Office also reviewed White House documents that were worked on by Foster, found in his office, or which otherwise related to Foster.

Experienced FBI Laboratory Technicians in Washington D.C. ("the FBI Lab") performed extensive analyses of the physical evidence identified during the investigation. Among the tests conducted by the FBI Lab were: an examination of the gun that the Park Police found in Foster's hand; a chemical and physical comparison of gunpowder and lead residue on Foster's clothing with that found in the gun; an analysis of photographs taken by the Park Police for patterns of bloodstaining, gunpowder residue and the presence or absence of physical marks on Foster's clothing and body; a toxicological analysis of a blood sample obtained during the autopsy and a comparison of that blood sample with blood on Foster's clothing; a DNA comparison of Foster's blood with DNA found near the muzzle of the gun; an analysis of mineral deposits

on the clothing; a fingerprint analysis; and a handwriting analysis of a torn-up note discovered in Foster's briefcase."

A four-member panel of experienced and respected forensic pathologists ("Pathologist Panel") reviewed the results of the investigation. The members of this panel are:

Dr. Charles S. Hirsch - Chief Medical Examiner for the City of New York and Chairman of the Department of Forensic Medicine at New York University Medical School;

Dr. James L. Luke - Forensic Pathology Consultant, FBI Investigative Support Unit, FBI Academy, Project Director, Department of Environmental and Toxicologic Pathology, Armed Forces Institute of Pathology, Washington D.C.; Clinical Professor of Pathology at Georgetown and George Washington Universities;

Dr. Donald T. Reay - Chief Medical Examiner for King County, Seattle, Washington since 1975; Professor of Pathology at the University of Washington;

Dr. Charles J. Stahl - Distinguished Scientist and Armed Forces Medical Examiner, Armed Forces Institute of Pathology, Washington, D.C.

Following their review of the evidence, the Pathologist Panel issued a report summarizing their analysis and conclusions ("Pathologist Report")."

" Attached as Exhibit 1 are reports issued by the FBI Lab. These include two general reports dated May 9, 1994 ("Lab Report") and June 13, 1994 ("Supplemental Lab Report") (the Supplemental Lab Report was issued as a result of questions posed by this Office to the Lab following receipt of the Lab's first Report); two reports on the FBI Lab's fingerprint analyses dated May 9, 1994 and June 9, 1994; and a report on the FBI Lab's handwriting analysis dated June 17, 1994.

" Dr. Luke assisted this Office throughout the investigation.

" The curriculum vitae for each pathologist is attached as Exhibit 2. The Pathologist Report is attached as Exhibit 3.

This Office was also assisted by Dr. Joel E. Kleinman, M.D., Ph.D., a respected psychiatrist. Dr. Kleinman is the Deputy Chief of the Clinical Brain Disorders Branch and Chief of the Neuropathology Section at the Intramural Research Program, National Institute of Mental Health, Saint Elizabeth's Hospital, Washington D.C. He is also a Clinical Professor in the Department of Psychiatry and Behavioral Sciences and Department of Neurology, George Washington University School of Medicine."

SUMMARY OF CONCLUSIONS

On the afternoon of July 20, 1993, in Fort Marcy Park, Fairfax County, Virginia, Vincent W. Foster, Jr. committed suicide by firing a bullet from a .38 caliber revolver into his mouth. As discussed below, the evidence overwhelmingly supports this conclusion, and there is no evidence to the contrary. This conclusion is endorsed by all participants in the investigation, including each member of the Pathologist Panel.

We found no evidence that issues involving Whitewater, Madison Guaranty, CMS or other personal legal matters of the President or Mrs. Clinton were a factor in Foster's suicide. While Foster did confide to family and friends in the weeks prior to his death that certain matters were troubling him, we have learned of no instance in which Whitewater, Madison Guaranty, CMS, or other possible legal matters of the Clintons were mentioned. Moreover,

" The curriculum vitae for Dr. Kleinman is attached as Exhibit 4.

in the spring and summer of 1993, Whitewater and Madison Guaranty related matters were not issues of concern either within the White House or in the press.

FACTS

A. Background

Vincent W. Foster, Jr. was born on January 15, 1945, in Hope, Arkansas, where he attended the same kindergarten class as President Clinton and White House Chief of Staff Thomas McLarty. After graduating from Hope High School in 1963, Foster attended Davidson College in Davidson, North Carolina, where he earned a bachelor's degree in 1967. In 1968, Foster married Elizabeth ("Lisa") Braden, with whom he had three children: Vincent, age 22; Laura, age 21; and John, age 18. In 1971, he received his law degree from the University of Arkansas School of Law in Fayetteville, Arkansas, where he ranked first in his class. He subsequently received the highest score on the Arkansas Bar exam. In 1971, Foster joined the Rose Law Firm and, in 1973, he was made a partner. Among his partners at the firm were Hillary Rodham Clinton, Webster Hubbell and William Kennedy.

Foster remained at the firm until January 1993, when he moved to Washington, D.C., to assume the position of Deputy White House Counsel. At about the same time, Kennedy joined the Counsel's Office and Hubbell became Associate Attorney General. Foster's office at the White House was located on the second floor of the West Wing where he shared a suite with White House General

Counsel Bernard Nussbaum. A few weeks after arriving he hired Deborah Gortham as his Executive Assistant.

When Foster first arrived in Washington he lived with his sister, Sheila, and her husband, Beryl Anthony. Foster's wife and children remained in Arkansas so that his son John could complete his school year. In March 1993, Foster rented a house and in early June he was joined in Washington by his wife and children.

Friends and associates who knew Foster well, uniformly described him as a man of honesty and integrity, respected for his intelligence and judgment. His professional reputation was of paramount importance to him, particularly among colleagues in Arkansas. Foster was characterized as quiet, reserved, and one who rarely showed anger or emotion. Although difficult to get close to, he could be relied upon as a trusted confidante. Colleagues within the White House described him as a calming influence during stressful periods.

Foster's family and friends said that Foster did not experience any extended period of depression prior to the spring of 1993. Although he experienced some brief episodes of depression and anxiety, these appeared to be resolved without treatment. From time to time Foster experienced what his wife described as anxiety or panic attacks, marked by heavy sweating and a strained voice. In late 1992, he told his physician in Little Rock, Dr. Larry Watkins, that he was feeling depressed and anxious. At least two of Foster's close relatives have suffered from periods of depression.

B. Foster's State Of Mind During The Weeks Prior To Suicide

Foster's position at the White House generally demanded that he work from between 7:30-8:30 in the morning until 9:30 or later at night, either six or seven days per week. He took no vacation or weekends off until the weekend immediately prior to his death. The demands of the Counsel's office were severe, and Bernard Nussbaum heavily relied upon Foster to assist him in accomplishing a wide range of tasks. Friends and associates recall that in the last two to three months prior to his death, he showed signs of stress and had virtually no time to relax in the ways that he had in Arkansas.

In the last six to eight weeks of his life those close to Foster observed that he appeared exhausted much of the time, his face drawn and gray. He confided to some that he was having difficulty sleeping, and on certain mornings commented that he had not slept at all.* Although no one noticed a loss of appetite, it was obvious to many that he had lost weight. In the last few weeks of his life Foster seemed uncharacteristically fretful, and more quiet and subdued than usual. Family members noted that he had lost his sense of humor and appeared distracted. Lisa Foster described him as constantly worried and under stress.

Bernard Nussbaum noted a marked decrease in Foster's productivity in the weeks prior to his death. During his first few months in Washington, Foster actively involved himself in most of

* Foster had a prescription for sleeping pills but did not want to take them for fear of becoming addicted.

the important matters within the Counsel's office. Nussbaum came to rely on him to accomplish matters quickly and with sound judgment. During the particularly busy period of late June and July, however, Foster was virtually uninvolved. For example, Nussbaum noted that Foster uncharacteristically provided little assistance in the selection of a new FBI Director, a task that Nussbaum considered one of the most important he faced during his time in Washington. Nussbaum repeatedly suggested to Foster during this period that he should take some time off, but Foster was reluctant. Deborah Gorham, his Executive Assistant, confirmed that Foster's productivity dropped significantly in the last few weeks of his life. Lisa Foster said that Foster received no joy from his work during that time.

Some family members have stated that Foster appeared depressed in the weeks prior to his death. Although it is impossible to determine precisely what triggered this depression, certain matters were cited repeatedly by those interviewed during this investigation.

1. The Travel Office Matter

Those close to Foster have stated that the single greatest source of his distress was the criticism he and others within the Counsel's Office received following the firing of seven employees from the White House Travel Office.

The Travel Office controversy began in mid-May 1993, when allegations surfaced that the White House Travel Office was being mismanaged and that employees within that Office may have either

embezzled funds or received kickbacks. Foster gave Associate Counsel William Kennedy responsibility for handling the matter. In consultation with Foster and others within the White House, Kennedy took two steps: he hired an outside accounting firm to audit the books of the Travel Office, and he contacted the FBI to discuss the possibility of initiating a criminal investigation. On May 19, 1993, following a preliminary report by the accounting firm, the White House decided to fire seven employees in the Travel Office.

In the days that followed, the White House was harshly criticized for its handling of the matter. Some reports charged that the White House pressured the FBI to open an investigation in order to justify the firings. In late May 1993, the FBI conducted an internal review of the meetings between FBI agents and White House personnel, and on June 1, submitted a report on the matter to the Attorney General. Included in the report were statements attributed to William Kennedy, some of which Kennedy denied making. The White House announced in late May that it would conduct an internal review of the Travel Office matter. In connection with that review, the White House requested and received a copy of the FBI's report to the Attorney General. On July 2, 1993, the White House released an internal report that reprimanded Kennedy and others for their handling of the matter. There was some discussion within the White House about reprimanding Foster, but this did not occur.

By many accounts, Foster was deeply disturbed by the reprimand of Kennedy and what he viewed as a distortion of the

facts by the press. Lisa Foster believed that the Travel Office matter was the greatest cause of Foster's stress and anxiety in the weeks prior to his death. She recalled that Foster had a bout of "anxiety" at around the time that the White House reprimand was issued. Foster was angry and distressed that, in his view, Kennedy had been unjustly criticized. He told co-workers that he believed that the FBI's report to the Attorney General had mischaracterized what had occurred in meetings with Kennedy. He told family members that the FBI had lied about the meetings, and that the Counsel's Office had been set up by the FBI in this matter.*

Foster was concerned that the White House report would lead to unwarranted investigations of well-intentioned actions. He felt responsible for Kennedy's situation because he had assigned Kennedy to the matter. He was heard to raise his voice uncharacteristically in insisting that Nussbaum allow Foster to take the blame instead of Kennedy.

It is clear from Foster's conversations with others in the White House that the reaction to the Travel Office firings had a profound effect upon him. He told Webster Hubbell, a close friend who at that time was serving as the Associate Attorney General, that no laws or rules had been broken but that in Washington you

* At the time of the appointment of the Independent Counsel on January 20, 1994, the Office of Professional Responsibility ("OPR") in the Department of Justice had already begun an inquiry into the conduct of the FBI in connection with the Travel Office matter. As a result, this Office agreed with OPR that this Office would not investigate whether the FBI had in fact made false statements in its report to the Attorney General, but only whether Foster's belief that the FBI had "lied" played any role in his suicide.

are assumed to have done something wrong even if you have not. He further told Hubbell that he thought the matter would never end. Foster told Kennedy in connection with the Travel Office matter that there were very few people one could trust in Washington.

Foster's sister, Sheila Anthony, observed that immediately after the White House issued its Travel Office report, Foster's distress became severe. He told his sister, as well as his wife, Lisa, and friend, Kennedy, that he was considering resigning from his position. Both Sheila Anthony and Lisa Foster believed that the personal humiliation he would have felt had he returned to Arkansas under those circumstances prevented him from resigning.

According to Nussbaum, Foster became increasingly obsessed with the Travel Office matter in the weeks before his death. Foster repeatedly urged Nussbaum to hire outside counsel to represent the General Counsel's Office in connection with the issues related to the Travel Office firings.* Nussbaum felt that Foster was overreacting and tried unsuccessfully to allay his concerns.

The extent to which Foster was disturbed by Travel Office issues is reflected in a torn note found in his briefcase by Stephen Neuwirth on July 26, 1993, six days after Foster's death. Lisa Foster has identified the handwriting in the note as Foster's,

* In fact, in early July 1993, Foster consulted James Lyons, an attorney located in Denver, Colorado, about the likelihood of Congressional hearings into the Travel Office firings and Foster's concern that his role in the Travel Office matter might affect his objectivity in advising the Clintons. Lyons advised Foster, after reviewing the White House report, that he saw no conflict of interest.

and a handwriting analysis performed by the FBI Lab confirms that identification. Lisa Foster believes that the note was written by Foster on or about July 11, 1993. On that day, she had encouraged him to write down everything that was disturbing him. She also encouraged him to go on the offensive and not take responsibility for every mistake. Later that day, Foster told his wife that he had written the opening argument for his defense - an apparent reference to his expected testimony should Congress hold hearings on the Travel Office matter.

There are ten separate entries in the torn up note found in Foster's briefcase. Five of them appear to relate to the Travel Office matter:

I made mistakes from ignorance, inexperience and overwork;

I did not knowingly violate any law or standard of conduct.

No one in the White House, to my knowledge, violated any law or standard of conduct, including any action in the travel office. There was no intent to benefit any individual or specific group.

The FBI lied in their report to the AG.

The press is covering up the illegal benefits they received from the travel staff.*

2. The Wall Street Journal editorials

According to people close to Foster, he was also distressed by editorials written about him in the Wall Street Journal ("the Journal"). Of particular concern was a June 17,

* The full text of the note is attached as Exhibit 5.

1993, editorial entitled "Who Is Vincent Foster?" The editorial criticized the Clinton White House for "carelessness about following the law," using as an example the Journal's efforts to obtain a photograph of Foster. According to the editorial, someone within the White House Counsel's Office responded that, "Mr. Foster sees no reason why he should supply the Journal with a photo." The Journal thereafter filed a request for the photograph under the Freedom of Information Act but, according to the editorial, did not receive a response within the ten-day period set forth in the Act. The editorial states:

No doubt Mr. Foster and company consider us mischievous (at best). . . . Does the law mean one thing for critics and another for friends? Will we in the end have to go to court to get a reply, or will even that work? Does it take a \$50,000-a day fine to get this mule's attention? . . . Who ensures that this administration follows the law, or explains why not? A good question. While Constitutional law may not have been the big part of the Rose firm's practice, it seems to us that a good man for the job would be deputy counsel Foster.

One week later, on June 24, 1993, the Journal ran another editorial entitled "Vincent Foster's Victory", which focused on a decision by the United States Court of Appeals for the District of Columbia that Hillary Rodham Clinton was the functional equivalent of a federal employee and, therefore, the Health Care Task Force she headed need not meet in public pursuant to the Federal Advisory Committee Act ("FACA"). The editorial states:

As for Iran-Contra, we suspect that Vincent Foster and Ollie North might hit it off. After all, we're supposed to believe that the health task force "officially" disbanded on

May 30, and so FACA's requirements are moot. That is, we're supposed to believe that Mrs. Clinton and her associates will never ever hold off-the-books meetings with "non-government" advisers to get the reform plan finished.

Foster was unaccustomed to such criticism. He was distraught over these editorials, and told others that they were mean-spirited and factually baseless. He believed the Journal would continue attacking him and others within the Administration until someone from Arkansas was forced out of the White House. He noted to his sister Sheila and to Kennedy that his friends and colleagues in Arkansas read the Journal, and voiced his concern that the editorials would damage his reputation. Foster told Sheila's husband, Beryl Anthony, that he had spent a lifetime building his reputation and that it was now being tarnished. Sheila Anthony tried without success to make Foster understand that this was "par for the course" in Washington politics. Colleagues at the White House made similar comments and attempted to joke with Foster about the editorials, but Foster found no humor in them.

On July 19, 1993, the Journal ran another editorial that mentioned Foster. That editorial was critical of the speed at which the Administration was moving to replace FBI Director William Sessions, and compared it to the Administration's handling of the Travel Office matter. The editorial noted that Foster was involved in the Travel Office matter, and stated that, "The mores on display from the Rose alumni are far from confidence-building."*

* The June 17, June 24 and July 19 Journal editorials are attached as Exhibit 6.

Foster's views about the importance of reputation are reflected in his commencement address to The University of Arkansas Law School at Fayetteville, Arkansas, on May 8, 1993. Many of those interviewed referred to the speech as a source of insight into Foster's attitudes. On the topic of reputation Foster told his audience:

The reputation you develop for intellectual and ethical integrity will be your greatest asset or your worst enemy. . . . Treat every pleading, every brief, every contract, every letter, every daily task as if your career will be judged on it. . . . I cannot make this point to you too strongly. There is no victory, no advantage, no fee, no favor which is worth even a blemish on your reputation for intellect and integrity. Nothing travels faster than an accusation that another lawyer's word is no good. . . . Dents to the reputation in the legal profession are irreparable. . . .

Sheila Anthony recalls that during his address Foster's voice was unnaturally strained and tense, reminiscent of their father's voice when he was distraught during the period before his death in 1991.

Foster's distress about adverse publicity is plainly reflected in the torn note found in his briefcase. In reference to the Journal editorials, he wrote that "The WSJ editors lie without consequence." He concluded the note by stating, "I was not meant for the job or the spotlight of public life in Washington. Here ruining people is considered sport."*

* The full text of the address is attached as Exhibit 7.

** Foster also exhibited distress over criticism received by the Administration regarding matters in which he was involved. For example, he was actively involved in the selection of a nominee for United States Attorney General. On the night that Zoe Baird

C. The Role of Whitewater

During his time as White House Deputy Counsel, Foster continued to handle some personal legal matters for the President and Mrs. Clinton, as he had while a member of the Rose Law Firm. Among those matters was Foster's role in arranging for the Clintons' accounting firm to prepare Whitewater tax returns for the years 1990-92. We have reviewed all of the Whitewater-related documents from Mr. Foster's files that were delivered to the Clinton's personal attorney after his death. However, Rule 6(e) of the Federal Rules of Criminal Procedure precludes us from disclosing the content of these documents since they were obtained by grand jury subpoena.

Those who worked in the White House during the first half of 1993 all stated that Whitewater was not an issue of any significance within the White House during that period. The issue had received virtually no attention in the press since the spring of 1992, during the Presidential campaign. As one person put it, Whitewater issues were "not on the screen" at that time. It was not until October 1993, three months after Foster's death, when it was disclosed that the Resolution Trust Corporation had issued

withdrew from consideration, Foster had what was described as an anxiety attack. He went to bed at about 2:30 a.m., sweating profusely, and became sick. He told family members that he felt that everyone was criticizing him. Beryl Anthony said that Foster blamed himself for the failed nomination and was concerned that he had let down the President.

criminal referrals involving Madison Guaranty and Whitewater, that the matter again received prominent public attention.

Each of Foster's co-workers, friends and family whom we questioned was explicitly asked whether Foster had ever mentioned Whitewater or Madison Guaranty related matters as a cause of concern or distress.* According to each of these people, Foster had never expressed any concern about these matters.

Questions have also been raised regarding whether a warrant authorizing the FBI to search the premises of CMS played a role in Foster's suicide. The search warrant was issued by the Federal District Court in Little Rock, Arkansas, on the afternoon of July 20, 1993, the date of Foster's death. However, the search warrant was not made public until it was executed, on July 21, after Foster's death. We have investigated to determine whether Foster learned of the search warrant prior to his death and have found no evidence that he did. In fact, only a limited number of individuals in the Little Rock U.S. Attorney's Office, the Little Rock FBI Office and the Court had any knowledge of the warrant prior to its execution.

Obviously, the fact that Foster never expressed a concern about Whitewater or Madison to anyone does not mean that he did not, in fact, have such a concern. Thus, we cannot conclusively rule out such a concern as a possible contributing factor to his depression. What we can conclude is that there is no evidence that

* These questions were asked under circumstances where a false statement would be prosecutable under Title 18, United States Code, Section 1001.

he did have such a concern against a background in which Whitewater/Madison issues were neither a matter of expressed concern in the White House, nor the subject of media attention.*

D. Foster's Activities From July 12 - July 18, 1993

Early in the week of July 12, Foster expressed concern to Beryl Anthony about the possibility of Congressional hearings on the Travel Office matter and asked Anthony to recommend an attorney. Mr. Anthony delivered a list of attorneys to him later that week. At about the same time, Foster spoke to James Lyons by telephone and told Lyons that the Travel Office matter was escalating and asked him to come to Washington as soon as possible. They arranged to meet the following week, on July 21, when Lyons was planning to be in Washington on other business. On July 13, Foster again expressed his concern about upcoming Congressional hearings regarding the Travel Office and told his wife that he was thinking about resigning.

Deborah Gorham, Foster's Executive Assistant, stated that Foster did little work during the week of July 12, and instead concentrated on "cleaning-up" matters that he had not been able to get to for some time, such as dictating thank-you and congratulatory notes. Gorham rarely had personal conversations with Foster, but on Thursday, July 15, he told her that he was

* In addition to completing tax returns on Whitewater, Foster also participated in creating a blind trust for the Clintons, completing their personal 1992 income tax returns, and fulfilling their financial disclosure requirements. There is no evidence that these matters were a contributing cause of Foster's distress.

frustrated because well-intentioned people were trying to build something and others just kept knocking it down. Gorham asked Foster if he ever felt that he was in "spiritual default." He said that he did, and Gorham recommended a church located near the White House.

Lisa Foster recalls that during that same week, Foster told her that his heart had been "pounding". Records reflect that on Friday, July 16, he went to the White House medical unit to have his blood pressure taken, which was recorded as 132/84. On the same day, Foster called his sister, Sheila, and told her that he was battling depression for the first time in his life and did not know what to do about it. Sheila Anthony described Foster's voice as tight and strained. She asked him to let her contact a psychiatrist and set up an appointment for him. Foster told her that he was hesitant to see a psychiatrist because it could jeopardize his White House security clearance. Sheila Anthony said that she would discuss this concern with the psychiatrist before making any appointment.

Sheila Anthony contacted a psychiatrist in the Washington area who was recommended by a friend. That doctor agreed to see Foster one time on an "off-the-record" basis. Sheila Anthony then called Foster and provided him with the names and telephone numbers of three psychiatrists, including the one she had spoken to, and encouraged him to call right away. He said that he wanted to think about it over the weekend.

Telephone records reflect that in the early afternoon of July 16, Foster made two calls to one of the psychiatrists recommended by his sister. At 12:41 p.m. and again at 1:24 p.m., Foster called the psychiatrist from the telephone in his office, and charged the calls to his home telephone. Each call lasted one minute or less.* The psychiatrist called by Foster often uses an answering machine during the lunch hour when no one is in the office. It is possible that Foster reached the answering machine and did not leave a message. Neither the psychiatrist that Foster attempted to reach nor the other psychiatrists recommended by Sheila Anthony ever spoke with Foster. The list of psychiatrists was found on a piece of paper in Foster's wallet following his death.

During the same telephone call in which Foster told Sheila Anthony that he was depressed, he asked her to recommend a place he and his wife could go to relax for the weekend. She called Lisa Foster with two or three possibilities, and Lisa Foster made arrangements for them to go to an inn on Maryland's Eastern Shore. Before they left, Foster told his wife that he was depressed, and she could tell that he was still under great stress while they were driving through Maryland.

Coincidentally, Webster Hubbell and his wife were also on the Eastern Shore of Maryland for the weekend staying with friends, Michael and Harolyn Cardoza, who also knew the Fosters. On

* Calls of less than one minute are reflected on a telephone bill as one minute in length.

Saturday, July 17, the Cardozas invited the Fosters to their home, and the group spent Saturday evening and Sunday together. Hubbell described it as a relaxing weekend during which Foster jogged, went boating, hit some golf balls, read the newspaper, and ate fresh crab for the first time. Foster and Hubbell spoke about the need to change their lifestyles and spend more time away from work. Foster mentioned that he missed spending time during June and July at his house in Michigan, as he had while at the Rose Law Firm.

Somewhat in contrast to Hubbell's perception of the weekend, Lisa Foster stated that the weekend did not go particularly well for Foster. When Foster returned on Sunday evening, July 18, he spoke to Lyons by telephone. They discussed the Travel Office matter for approximately thirty minutes and confirmed that they would meet in Washington to further discuss it on July 21.

E. Foster's Activities On July 19

Gorham observed that Foster spent much of the day on Monday, July 19, going through paperwork on his desk and in his desk drawers, dictating letters and taking care of unfinished business. She described Foster's day as one of "straightening and cleaning." Gorham recalled that he spent much of the day with his door closed.

Gorham recalls that at one point Foster came out of his office and placed three envelopes in the out-box on her desk. The envelopes had already been addressed, stamped and sealed by Foster, which was unusual. She looked at the envelopes to make sure they

had postage and recalls that one was addressed to Foster's mother in Hope, Arkansas, and another was addressed to an insurance company. She cannot recall how the third envelope was addressed. Sheila Anthony was with their mother when she received correspondence from Foster a day or two after his death. The letter contained oil leases which had been left to Foster's mother after his father died in 1991. Foster wrote a very brief typewritten cover letter providing instructions to his mother regarding the leases. Lisa Foster believes that the correspondence sent to the insurance company and the third envelope mailed by Foster were bill payments that she had asked Foster to make.

Hubbell stopped by Foster's office on July 19, and Foster told him that the weekend had been good for him and that he and Lisa were planning to go away the following weekend. Lisa Foster recalls that she and Foster had spoken about going away the following weekend but that no plans had been made. Foster also told Sheila Anthony during a telephone conversation on July 19 that the weekend had gone well, and he contemplated getting away more often. He also said that he was not yet ready to contact a psychiatrist.

On the same date, Foster contacted Dr. Larry Watkins, his physician in Arkansas. He told Watkins that he was under a great deal of stress and was depressed, that he had a loss of appetite and was losing weight. Watkins prescribed an anti-depressant drug called Desyrel, which has the generic name trazadone. Watkins stated that he had never before prescribed an anti-depressant for

Foster. A pharmacy in Washington filled the prescription for 30 tablets, in a dosage of 50 milligrams per tablet, and had the tablets delivered to Foster's home in the late afternoon on July 19.* Lisa Foster saw Foster take one tablet during that evening.

Foster left work earlier than usual that day and arrived home around 7:45 p.m. During the evening Foster received a call from President Clinton. The President had heard that Foster was feeling down about the Travel Office matter and called to invite Foster to watch a movie with him and others at the White House. Foster declined the invitation. After chatting about Foster's weekend in Maryland, the President told him that he wanted Foster's advice on possible White House organizational changes. They agreed to meet on Wednesday, July 21. The President did not perceive during this conversation that Foster was downcast or depressed.

F. Foster's Activities On July 20

Lisa Foster recalls that Foster left for work at about 8:00 a.m. She saw him for the last time standing "stiffly" in the kitchen before he left for work. As usual, Foster drove to work in their 1989 light grey Honda Accord which still bore Arkansas license plates. On the way to the White House, he dropped his son, Vincent, at a Metro station and his daughter, Laura, at work. Soon after Foster arrived at the White House, he attended the regular

* The pharmacy had no record of having filled any prior prescriptions for Foster.

9:00 a.m. Counsel's Office staff meeting.* Following the meeting, Foster went to the White House Rose Garden to attend the ceremony announcing the selection of Louis Freeh as Director of the FBI. Foster then returned to his office.

Later that morning, Foster walked into Nussbaum's office, where Nussbaum was watching television coverage of two events: the Freeh nomination and Ruth Bader Ginsburg's Supreme Court confirmation hearings. Nussbaum was exuberant about both nominations. He said to Foster, "We hit two home runs today." Foster seemed distracted and his response was markedly understated.

At approximately 12:00 noon, Foster asked Linda Tripp, an Executive Assistant to Nussbaum, to get him lunch from the cafeteria. A short time after Tripp went to the cafeteria, Thomas Castleton, an employee in the Counsel's Office, arrived at the cafeteria and told Tripp that Foster had sent him to find out what was taking so long. Tripp delivered Foster's lunch and added some M & M's to the tray. Foster sat on the couch in his office and ate his lunch while reading the newspaper. At about 1:00 p.m., he came out of his office holding his suit jacket, without a briefcase. He told Tripp that there were still some M & M's on the tray if she wanted them. He said, "I'll be back," and then left.

Foster did not return to the White House. A number of people tried unsuccessfully to reach him by telephone. C. Brantley Buck, Foster's former partner at the Rose Law Firm, called to

* Nothing of significance to the issues of this Report occurred during that meeting.

discuss finalizing work that Buck had been doing to set up a blind trust for the Clintons. Foster, who was acting as Buck's contact point at the White House, was supposed to have the Clintons sign some documents to complete the process. Buck stated that there was nothing about the blind trust that would have provided a source of concern to Foster, nor did Foster ever express any such concern.

James Lyons called to finalize plans for his meeting with Foster, scheduled for the following day. Gordon Rather, an attorney from Little Rock, called to discuss a routine matter regarding the American Board of Trial Advocates. A number of people within the White House also tried to reach Foster to discuss ongoing White House projects with which Foster was involved.

We have been unable to determine where Foster went following his departure from the Counsel's Office at about 1:00 p.m. We have also been unable to determine with certainty when Foster entered Fort Marcy Park. One motorist traveling on the George Washington Memorial Parkway saw a Japanese-made car driven by a white male swerve from the left lane of the Parkway into Fort Marcy Park some time between 2:45 and 3:00 p.m. on the afternoon of July 20. When interviewed shortly after Foster's death, the motorist told the Park Police that he recalled that the license plate on the car was from either Arkansas or Ohio. When he was recently shown pictures of Foster's car, the motorist stated that he did not believe that it was the car he saw on July 20 because

the license plate he saw identified the State in the lower right hand corner of the plate.*

Another man stated that he drove into Fort Marcy Park between 4:15 and 4:30 p.m. He observed two cars in the parking lot of the Park at that time. He described one as a brown Japanese-made car with an Arkansas license plate. When shown photographs of Foster's car, he stated that the car he saw appeared darker in color and more compact. He stated that nobody was in the car, but there was a man's suit jacket folded over the passenger seat of the car. He recalls that the car was parked in one of the first spaces on the left side of the lot, which is where the Park Police found Foster's car following his death. The Park Police also found Foster's suit jacket draped over the front passenger seat of his car.

G. Discovery Of Foster's Body

1. Fort Marcy Park

Fort Marcy Park is located adjacent to the northbound lanes of the George Washington Memorial Parkway in Fairfax County, Virginia. The only vehicular entrance is from the Parkway, although there is a small opening in the fence on the Chain Bridge Road side of the park for use by pedestrians. A short drive from the Parkway entrance, there is a parking lot. Several foot trails lead from the lot. The original Fort Marcy was one of a ring of fortifications constructed during the Civil War to defend

* In recent years, only the State of Montana has a license plate that identifies the State in the lower right corner.

Washington against Confederate attack. It is now a National Park. One path from the parking lot leads up to two cannons dating from the Civil War.

No one interviewed during this investigation had ever heard Foster mention the Park, or knew of Foster ever visiting the Park prior to the date of his death.

2. Observations by Confidential Witness

Foster's body was discovered in Fort Marcy Park at approximately 5:45 p.m. on July 20 by a man who has requested that his identity remain confidential. As a result, this individual will be referred to only as a confidential witness ("CW").*

On the afternoon of July 20, at approximately 5:30-5:45 p.m., CW was driving north on the George Washington Memorial Parkway in heavy traffic when he turned into Fort Marcy Park to urinate. When he arrived, he observed two cars in the parking lot. He described the first as a compact Japanese-made car of a light color (he is not sure of the exact color) parked in the second or third space on the left as one enters the lot.** The other he described as a white Honda Accord parked near the rear of the lot. CW had visited the Park many times and was familiar with its layout.

* CW initially provided this information to G. Gordon Liddy, who hosts a radio call-in program broadcast from the Washington, D.C. area. Mr. Liddy subsequently contacted this Office and arranged for this Office to meet and interview CW, after receiving assurances that we would respect CW's desire for confidentiality.

** This is approximately the spot where the Park Police located Foster's car.

CW followed a path off the parking lot for approximately 200 yards until he reached the second cannon, which faces a raised berm that runs along the original Fort's perimeter. CW walked just over the berm, stopping at a point about 15-20 feet to the right of the cannon.* He noticed to his left what he first thought was a pile of trash located on the slope just over the berm in front of the cannon. He went over to look, and realized that it was a body. He stood at the top of the berm, just above the head of the body. The body appeared to be a man dressed in a white dress shirt, "expensive" trousers, and black dress shoes. CW stated that the man's head was either straight up or slightly tilted to the right, his arms were straight down at his sides. CW further stated that he believed the man's palms were facing upward. He did not see a gun in the man's hands but said it was difficult to see his hands because of the dense foliage in the area where the body was lying. CW acknowledged that, because of his position at the top of the berm and the heavy foliage, there could have been a gun in the man's hand that he did not see.

CW saw what appeared to be dried blood on the man's lips and nostrils. He also noticed a purple stain, which he believed to be a mixture of wine stains and vomit on the right upper shoulder and chest of his shirt. CW stated that he never touched the body.

After briefly viewing the body, CW returned to his vehicle and drove to Parkway Headquarters about two miles north of Fort

* CW stated that he walked to this spot because he saw two cars in the lot and wanted to be assured that he would have privacy.

Marcy Park, where he hoped to find a telephone. When he pulled into the parking lot he saw two uniformed park maintenance employees. CW provided the employees with the location of the body and drove off. He did not leave his name and the maintenance workers did not observe his license plate.*

3. Observations of the U.S. Park Police
and Fairfax County personnel

Computer records and audio recordings establish that at 5:59 p.m., using a public telephone, one of the Park maintenance workers dialed "911" to report the information provided by CW. He was advised by the Fairfax County Police dispatcher that because the body was found in the Park, the Park Police was the appropriate authority to respond. At 6:02 p.m., the maintenance worker reached the Park Police dispatcher and reported the information received from CW.

Following receipt of these calls, the Fairfax County Fire and Rescue Department dispatched Emergency Medical Services ("EMS") personnel to the Park, and the Park Police dispatched officers and investigators. At 6:09 p.m., a medical unit and an engine unit from Fairfax County EMS arrived at the Park. At approximately the

* In order to test the veracity of the information provided by CW, this Office performed a detailed analysis of that information. CW provided details that have never become public, and that could only have been known by the person who discovered Foster's body. These details include specific information about the appearance and location of the body, the description and location of the cars in the parking lot, the physical description of the park maintenance workers, and the short conversation held with them.

same time Officer Kevin Fornshill of the Park Police arrived. They split up to look for the body.

Fornshill was first to arrive at the body. His description of its location is identical to that reported by CW. Fornshill observed the body from the top of the berm as had CW and reported that Foster's head was near the top of the berm directly in front of the second cannon.

Representatives from this Office and the FBI have gone to this site numerous times. The berm on which Foster was found is located approximately ten feet in front of the cannon. There is a short incline on the inside of the berm facing the cannon. From the top of the berm, the ground falls away to form the outside embankment of the Fort. Foster was found on the outside of the berm, toward the top of the embankment. The embankment is about twenty to twenty-five feet in length, sloping at about a 45 degree angle.

Fornshill described Foster's body as lying straight up with his head slightly tilted to the right. From his position at the top of the berm, Fornshill could not see a gun, but noted that the natural foliage around Foster's body blocked his view of Foster's hands. Even after the EMS personnel arrived and stated that Foster had a gun in his right hand, Fornshill still could not see it from the top of the berm.

The first EMS personnel to arrive at the body were Todd Stacey Hall and George Gonzalez. Each of them moved next to the body and saw a gun in Foster's right hand, partially concealed

beneath the hand and right leg. Hall checked for a pulse against the left side of Foster's neck and found none. Hall states that he did not move Foster's head during this time.

Shortly thereafter an additional group of EMS personnel and Park Police officers arrived at the body. Polaroid and 35 mm photographs were taken of the body and the surrounding area. The 35 mm photographs were underexposed and of little value, despite the FBI Lab's effort to enhance their quality. The Polaroid photographs, however, clearly depict the condition of Foster's body shortly after the arrival of the Park Police. The photographs show blood stains on Foster's face and on the right shoulder of his shirt. The staining on his shirt covered the top of his shoulder from his neck to his upper arm. The photographs of his face show two lines of blood, one running from the right corner of his mouth to below the right ear, and the other from the right nostril toward the temple above the right ear. The photographs also show a larger area of blood staining Foster's right cheek and jaw, forming what is described in the FBI Lab Report as a "contact stain." Lab Report at 9.*

* Two members of Fairfax County EMS, George Gonzalez and Richard Arthur, have expressed doubts about whether Foster's death was the result of a suicide. In large measure, these doubts were caused by observations of what they believed to be bullet wounds on Foster's face. Gonzalez believed he saw a bullet hole in the upper right portion of Foster's forehead. Arthur believed he saw a bullet wound in the right side of Foster's neck. These wounds did not exist. The autopsy results, the photographs taken at the scene, and the observations made by Park Police investigators conclusively show that there were no such wounds.

At approximately 6:35 p.m., Park Police Investigators arrived at the body. Park Police Investigator John Rolla observed that some of the blood on Foster's face was still wet when he arrived, but was starting to dry. He touched Foster's body and noted that it was still relatively warm (which could have been a result, in part, of the ninety degree heat that day) and there were no signs of rigor mortis.* Foster's clothes were neat and there was no sign of any struggle. Foster was wearing his White House paging device, which had been turned off. A pair of eyeglasses, identified by Lisa Foster as belonging to her husband, were found about thirteen feet below Foster's body at the bottom of the berm.

Park Police Technician Peter Simonello was responsible for removing the gun still held in Foster's right hand. He noted that the knuckle of Foster's right thumb was trapped between the front surface of the trigger and the inside of the trigger guard of the gun. Simonello stated that Foster's hand was flexible, but that he had to half cock the weapon in order to remove his thumb. After removing the gun, Simonello observed a deep impression on Foster's thumb where the trigger had been located. He further saw powder residue on Foster's thumb and along the edge of Foster's right index finger. Photographs taken at the scene and at the autopsy show this powder residue, and a photograph taken at the autopsy shows the mark on Foster's thumb. The gun, a .38 caliber Colt

* As stated in the Pathologist Report, the available information is insufficient to determine the precise time of death during that afternoon. Pathologist Report, at ¶ 4.

revolver, was found to contain one unexpended cartridge and one cartridge case from which a bullet had been fired.

While one group of Park Police officials continued to examine Foster's body, others conducted an inspection of the cars in or near the parking lot. When the Park Police and EMS personnel first arrived, they observed three cars within the Park. The first was a blue Mercedes flashing its hazard lights, located just inside the entrance to the Park. This car belonged to a woman who had pulled into the Park late in the afternoon when her car had begun to malfunction. She immediately left the Park on foot and a tow truck arrived to pick up the car at approximately 7:00 p.m.

The second car, a white Nissan Stanza parked near the rear of the parking lot, belonged to another woman who drove to the Park with a friend at approximately 5:00 p.m.* They were still in the Park when located by the Park Police a short way down a path leading south from the parking lot. Neither individual heard a gunshot while in the Park or observed anything unusual.

The third car, a grey 1989 Honda Accord with Arkansas license plates, was parked in one of the first spaces on the left near the entrance of the parking lot. The car was registered to Vincent Foster. Park Police Investigators observed a suit jacket that matched the pants worn by Foster, neatly folded over the passenger seat of the car. In the jacket was Foster's White House identification. The keys to the car were located in Foster's pants

* CW accurately described the location and description of this car.

pocket. The car was impounded and searched, but nothing significant to the investigation was found.* Foster's wallet was in his suit jacket and contained \$292, credit cards, and miscellaneous papers, including the list of three psychiatrists provided by Sheila Anthony four days earlier.

At approximately 7:40 p.m., Dr. Donald Haut, the Fairfax County Medical Examiner, arrived at the scene to examine the body. At that point Foster's body was rolled over and those present observed a large pool of blood located on the ground where Foster's head had been. Haut observed a large exit wound in the back of the skull.

Following this examination, additional personnel from Fairfax County Fire & Rescue were dispatched to the scene to transport Foster's body to the morgue. At approximately 8:45 p.m., Corey Ashford and Roger Harrison lifted Foster's body under the arms and placed him into a body bag. The body was wheeled out of the Park on a stretcher and transported to Fairfax Hospital where it was briefly examined by Dr. Julian Orenstein, the physician on duty in the hospital's emergency room, who officially pronounced Foster dead. The body was taken to the morgue, where it was later identified by William Kennedy and Craig Livingstone, a Special Assistant to the White House Counsel.

* The presence in the car of beer cans, an empty pack of cigarettes, and a cork screw was the result of a trip to the beach taken by Foster's sons during the prior weekend.

H. The Autopsy

At 10:00 a.m. on July 21, 1993, Dr. James C. Beyer, the Deputy Chief Medical Examiner for the Northern Virginia District, conducted the autopsy on Foster. The autopsy found a contact bullet wound entering the soft palate inside the mouth. A microscopic examination noted extensive gunpowder residue on the soft palate. According to the autopsy report and information subsequently provided by Dr. Beyer, the bullet entered the cranial cavity, significantly damaged the left side of the brainstem and the left cerebral hemisphere of the brain, and exited from the center of the back of the head. The autopsy found no other trauma to Foster's body and found his teeth unbroken. Dr. Beyer found gunpowder-like residue on the lateral portion of both index fingers, with a greater concentration on the right index finger. No alcohol or drugs were found in Foster's blood, although a later analysis by the FBI Lab revealed trace amounts of trazadone, attributable to the anti-depressant prescribed by Dr. Watkins. Photographs taken during the autopsy, as well as microscopic slides of Foster's soft palate and other tissues, were obtained from Dr. Beyer by this Office and reviewed by the Pathologist Panel.* Dr. Beyer certified the death as a suicide.**

* The office X-ray machine was inoperable at the time of Foster's autopsy, and as a result no X-rays were taken.

** The complete autopsy report is attached as Exhibit 8.

I. The Gun

The Park Police submitted the gun found in Foster's hand to the Bureau of Alcohol, Tobacco and Firearms ("ATF") for testing. ATF identified the gun as a .38 caliber Colt revolver. The gun contained two different serial numbers, indicating that it was assembled with parts from two different guns. The only available records indicate that guns bearing those serial numbers were purchased in 1913.

When shown the gun, Foster's sister, Sharon Bowman, identified it as appearing very similar to the one their father had kept in his bedside table, specifically recalling the pattern on the grip. When her father fell ill with cancer in 1991, Bowman moved this gun and others in her father's collection into a closet within her father's house. In 1991, shortly after her father's death, Bowman showed Foster where she had put the guns and Foster removed them from the house.

Lisa Foster stated that the gun looked similar to one that she had seen in their home in Arkansas and that she had brought to Washington. Foster had packed a trunk prior to going to Washington but did not take the trunk with him. When Lisa Foster "repacked" the trunk for her own move to Washington in June, she saw the gun and brought it with the rest of her belongings.* Lisa Foster felt uncomfortable having a gun in their house, and twice asked Foster to remove it. On the night of Foster's death, she found a gun,

* Foster's children did not recognize the gun as one they had seen in their home.

different in appearance from the gun that she had brought with her from Little Rock, in the closet of her house in Washington. She did not recall seeing any ammunition in their house in Washington. In recent weeks, she found some ammunition at her home in Arkansas, but none of it was .38 caliber.

J. The Park Police Investigation

1. Investigative jurisdiction

Because Foster's death occurred in a National Park, the Park Police, as part of the Department of the Interior, had jurisdiction to conduct the investigation. Park Police Chief Robert E. Langston stated that the Park Police have historically had primary investigative jurisdiction for crimes or possible crimes committed within federal parks.

The FBI would have had primary investigative jurisdiction if the circumstances fell within the Presidential and Presidential Staff Assassination statute, Title 18, United States Code, Section 1751. That statute makes it a federal crime to, among other things, kill the President, Vice-President, or a specified number of persons appointed by the President or Vice-President. The statute further provides that violations shall be investigated by the FBI.* Based on a preliminary inquiry by the FBI which failed

* 18 U.S.C. Section 1751 covers "any person appointed under section 105(a)(2)(A) of title 3 employed in the Executive Office of the President. . . ." Title 3, United States Code, Section 105(a)(2)(A) provides that the President may appoint twenty-five employees at a specified rate of pay. Because the preliminary investigation by the FBI provided no indication of criminal activity, the FBI did not determine whether Foster was covered by this statute.

to indicate any criminal activity, the FBI's inquiry into this matter was closed. At the request of this Office, the FBI reentered this investigation in February 1994.

2. Summary of Park Police investigation

In the weeks following Foster's death, the Park Police conducted a number of interviews with family members, White House staff, and others; reviewed documents obtained from the White House and from Foster's personal belongings; and took other investigative steps including fingerprint analyses and an unsuccessful search in Fort Marcy Park for the bullet fired from the gun. The Park Police concluded that Foster's death was a suicide from a self-inflicted gunshot wound to the mouth.

TESTS CONDUCTED BY FBI LABORATORY

In March 1994, this Office obtained from the Park Police and the Medical Examiner's Office all available physical evidence collected in connection with the investigation of Foster's death, and provided it to the FBI Lab for analysis. This evidence included the gun and the ammunition it contained, Foster's clothing and eyeglasses, items found in Foster's car, photographs taken at the scene of the death and during the autopsy, Foster's hair and blood samples obtained during the autopsy, the autopsy report, and relevant portions of the Park Police Report on Foster's death. The FBI Lab performed extensive analyses, as summarized below.

A. Firearm Analysis

The FBI Lab test-fired the revolver found in Foster's hand ("Foster's gun") and found that it was operable. This kind of firearm can be fired by either cocking the hammer and then pulling the trigger (single action) or by simply pulling the trigger (double action).^{*} The cartridge case, a .38 caliber special cartridge case manufactured by Remington was analyzed and found to have been fired inside Foster's gun. The unexpended cartridge was also .38 caliber manufactured by Remington, and bore the same stamp as the expended cartridge.

The FBI Lab found that when Foster's gun is fired, it releases gunshot residue from the muzzle of the gun and from the cylinder gap. As a result, powder and lead residue can be found on objects in close proximity to the gun when fired. An analysis of the photographs taken at the autopsy reveal gunshot residue on the side of Foster's right forefinger and the web area of Foster's right hand. The FBI Lab found this consistent with that vented by Foster's gun when ammunition of the type found in its cylinder is fired with the palm of the right hand positioned near the front of the cylinder or near the muzzle.

The trigger of Foster's gun will automatically rebound when released after firing. On one of the autopsy photographs, there is a visible mark on the inside of Foster's right thumb. The FBI Lab found that this mark is consistent with a mark produced by

^{*} The latter method requires a much firmer pull on the trigger.

Foster's gun when "this portion of the right thumb is wedged between the front of the trigger and the inside of the front of the trigger guard of [Foster's gun] when the trigger rebounds (moves forward)." This mark is also consistent with the position of Foster's thumb in the trigger guard as depicted in the Park Police photographs. Lab Report, at 7.

B. Chemical Analysis

Ball shaped gunpowder was found in scrapings from Foster's shirt and undershirt. The FBI Lab found this gunpowder to be physically and chemically similar to the powder found in the empty cartridge case in the gun. In addition, chemical testing of Foster's shirt resulted in a positive reaction for the presence of lead residue. The presence of the residues found on Foster's shirt is consistent with the blast from the cylinder of Foster's gun when fired using ammunition of the kind found within that gun.

The FBI Lab further found one piece of ball powder on the eyeglasses recovered from the bottom of the berm, approximately thirteen feet below where Foster was found. This powder is physically and chemically similar to the gunpowder found in the cartridge case removed from Foster's gun. These facts are consistent with the eyeglasses being positioned near the gun when fired (such as on Foster's face or in his shirt pocket). One obvious scenario is that the eyeglasses were dislodged by the sudden backward movement of Foster's head when the gun was fired, after which the glasses bounced down the hill.

The FBI Lab detected one flattened ball-shaped gunpowder particle in scrapings from Foster's shoes and socks, and one disk-shaped particle on the paper that Foster's clothes were placed on at the Park Police Laboratory. The FBI Lab found that these particles did not originate from the fired cartridge in Foster's gun. These particles are believed to be the result of contamination some time after the clothing was removed from Foster's body.* The FBI Lab concluded that these particles "are not likely associated with this investigation." Supplemental Lab Report, at 3.

C. Blood Analysis

The FBI Lab conducted tests on the blood sample obtained during Foster's autopsy. The tests revealed small concentrations of trazadone, diazepam and nordiazepam. Trazadone is the anti-depressant prescribed by Dr. Watkins and taken by Foster on the evening of July 19. Diazepam is commonly known as valium, and nordiazepam is a metabolite of valium.** The concentrations of these drugs were below generally recognized therapeutic levels.

* Although the Park Police laboratory does take precautions to avoid contamination of evidence, it is a small facility which was conducting a number of unrelated examinations in July 1993. Foster's clothes were laid out to dry for four days on the floor of a "photo lab room" adjacent to the laboratory examination area. This room is regularly used by Park Police officers working on investigations and is equipped with an exhaust fan. It is possible that the clothes were contaminated while in this room.

** Lisa Foster stated that there was valium in their home in Washington, but she was not aware of Foster taking any.

Foster's blood type was found to be consistent with the blood found on his shirt and undershirt. A visual examination and limited chemical testing of the gun by the FBI Lab did not reveal the presence of any blood. Additional chemical testing was avoided so that the gun could be preserved for subsequent fingerprint and DNA testing. Subsequent testing did detect DNA near the muzzle of the gun which could have been derived from blood or saliva.

D. Analysis of Bloodstaining Patterns

The FBI Lab conducted an analysis of the bloodstaining on Foster's face and clothing as depicted in the photographs taken at the scene. The photographs show Foster's face pointing straight up - his head not tipped to either side. This position is inconsistent with the blood patterns on Foster's face and shirt. The blood on the right shoulder of Foster's shirt "consists of saturating stains typical of having been caused by a flow of blood onto or soaking into the fabric." Lab Report, at 9. The blood on Foster's right cheek and jaw is a "contact stain . . . typical of having been caused by a blotting action, such as would happen if a blood-soaked object was brought in contact with the side of his face and taken away, leaving the observed pattern behind." Lab Report, at 9.

The FBI Lab concluded that the pattern of the blood on Foster's face and on Foster's shoulder is consistent with Foster's face having come into contact with the shoulder of his shirt at some point. Because Foster's head is not in contact with his shoulder in the photographs, the FBI Lab Report concludes that

Foster's head "moved or was moved after being in contact with the shoulder." Lab Report, at 9. The Pathologist Panel endorsed this conclusion, stating that "a rightward tilt of his face was changed to a forward orientation by one of the early observers before the scene photographs were taken." Pathologist Report, ¶ 7.

The FBI Lab also found extensive bloodstaining on Foster's shirt and undershirt, covering a vastly greater amount of his shirt than that depicted in the photographs taken at the scene. This staining is attributable to the movement of the body from the scene, which typically results in additional staining of the deceased's clothing.

E. DNA Analysis

The FBI Lab performed a DNA analysis on material obtained from an area within 5 cm from the muzzle portion of the gun barrel. This DNA was compared to the DNA in Foster's blood, and the FBI Lab found it to be the same type. This DNA type is shared among approximately 6 percent of Caucasians. This material is derived from a cellular material, likely blood or saliva.

F. Fingerprint Analysis

The FBI Lab removed the grips from the handle of Foster's gun for testing. There were no fingerprints found on the outside of the grips or any other exposed portion of the gun. One print

was located on the inner surface of one of the gun's grips. The FBI Lab determined that this was not Foster's print.*

G. Handwriting Analysis

Lisa Foster provided a document that she knew to have been handwritten by her husband, and personal checks that she knew had been signed by him. The FBI Lab compared the handwriting to that on the torn note found in Foster's briefcase on July 26, 1993, and determined that the torn note was written by Foster.

H. Other Analyses

1. The FBI Lab examined the pair of prescription eyeglasses found at the bottom of the berm and compared them to Foster's optical prescriptions provided to this Office by Lisa Foster. The FBI Lab found that the prescriptions were consistent with the determined prescription of the eyeglasses found on the berm. Marks on the earpieces of the eyeglasses were found to be consistent with biting. Lisa Foster stated that Foster had a habit of biting the earpieces of his glasses.

2. The FBI Lab determined that Foster's clothing contained head hairs dissimilar from his own, and carpet type fibers of various colors.

3. When Foster's clothing was examined by the FBI Lab, it "did not contain any coherent soil." Lab Report, at 12.

* The ability to recover prints varies due to a number of factors including the texture of the tested object and characteristics of the person who came in contact with that object. Latent prints can be destroyed by exposure to certain elements, such as heat.

However, the FBI Lab found small particles of mica on much of Foster's clothing, including his shoes. This mica is consistent with the soil found in the area where Foster's body was found.

I. Search For Additional Evidence In Fort Marcy Park

On April 4, 1994, sixteen individuals from the FBI Lab went to Fort Marcy Park to conduct a search in the area where Foster's body was found.* The purpose of the search was to attempt to find a bullet, bone fragments from Foster's skull, the presence of blood in the soil beneath the location of Foster's body when found, and any other evidence relevant to Foster's death.

In an attempt to locate a bullet, FBI Lab personnel surveyed and marked out a grid in what the FBI Lab determined was the most likely area for the bullet to have landed after passing through Foster's skull. This area was systematically searched using metal detectors. Twelve modern-day bullets were collected during the search and returned to the FBI Lab for analysis. The FBI Lab has determined that none of the bullets found were fired from Foster's gun.**

The area immediately beneath where Foster's body was found was searched by digging and hand sifting the soil and other debris.

* Also present were representatives from the National Park Service and a representative from the Smithsonian Institution.

** In addition to the bullets, a number of cartridges and shell casings were found. The Lab determined that none of these items was fired in Foster's gun. Numerous Civil War artifacts were also found during the search, including ammunition, nails, horseshoes, a military button and other metal objects. These items were turned over to the National Park Service. An index of these items is attached as Exhibit 9.

FBI Lab personnel excavated to a depth of approximately eighteen inches, searching the soil through various screening methods. No bone fragments or bullets were found.

ANALYSIS

A. Analysis And Conclusions Of Forensic Pathology Panel

Four experts in the field of forensic pathology reviewed and analyzed the evidence obtained during the course of this investigation. Each member of the Pathologist Panel was provided unrestricted access to the FBI Lab Reports; the reports of all interviews conducted during the course of the investigation; the report issued by the Park Police following its investigation; the autopsy report; all photographs taken at the scene of Foster's death and during the autopsy; and microscopic slides containing portions of Foster's soft palate obtained during the autopsy. In addition, the Pathologist Panel discussed the evidence with members of this Office, the FBI investigating agents, and FBI Lab personnel. Two members of the Panel met with the Medical Examiner, Dr. Beyer.

After reviewing and analyzing the evidence, the Pathologist Panel issued a report stating its conclusions and summarizing the bases for its conclusions. The Panel concluded the following:

- 1) The bullet wound to Foster's head and brain caused his death;

- 2) The bullet traveled through the soft palate, entered the cranial cavity, significantly damaged the left side of the brainstem and the left cerebral hemisphere of the brain and exited from the center of the back of the head;
- 3) The wound caused instantaneous complete incapacitation, followed by clinical death within a matter of minutes;
- 4) The wound was self-inflicted, resulting from Foster placing the barrel of the gun into his mouth and firing it; and
- 5) Foster shot himself where he was found in Fort Marcy Park.

The Pathologist Report states that these conclusions were arrived at separately and independently by each member of the Panel.

1. Basis for conclusion that death was a suicide

The Pathologist Panel found the evidence in this case "typical and characteristic of such findings in deaths due to intentional self-inflicted intraoral gunshot wounds." Pathologist Report, ¶ 1. Physical evidence examined by the Pathologist Panel establishes that the gun was fired while in Foster's mouth. Microscopic slides taken during Foster's autopsy reveal a large quantity of gunpowder residue on the soft palate, indicating "that Mr. Foster placed the barrel of the weapon into his mouth with the muzzle essentially in contact with the soft palate when he pulled the trigger." Pathologist Report, ¶ 1.

The Panel also relied on the FBI Lab's finding that the DNA in Foster's blood sample was the same type as DNA found near the muzzle of the gun. This indicates that cellular material from Foster's body likely came into contact with the barrel of the gun.

Logically, this material is either blood or saliva from Foster's mouth.

The condition of Foster's body indicates that Foster voluntarily placed the gun in his mouth. The evidence is inconsistent with someone having forced the gun into his mouth. No broken teeth or other trauma to Foster's body were discovered during the autopsy, and there was no sign of a struggle. It is highly unlikely that someone could have forced a gun into the mouth of a man of Foster's size (six feet, four and one-half inches in height and 197 pounds in weight) without a struggle that would have resulted in Foster sustaining some other detectable injury. Nor was there any evidence that he was incapacitated by drug or alcohol.

The physical evidence also demonstrates that Foster himself pulled the trigger. An autopsy photograph depicts a mark on Foster's right thumb consistent with the recoil of the trigger after firing. Based on the existence of this mark and Park Police scene photographs showing the position of the gun, the Pathologist Panel concluded that after Foster fired the gun, his "right thumb was trapped and compressed between the trigger and the front of the trigger guard." Pathologist Report, ¶ 8.

Moreover, the photographs reveal and the autopsy confirms that there was gunpowder on the portion of Foster's right index finger facing his thumb and in the web area between the index finger and the thumb. Dr. Beyer, the Medical Examiner, also noted a lesser amount of gunpowder on Foster's left index finger. The

gap between the cylinder and the frame of the gun is the logical source for this gunpowder because the muzzle of the gun was in Foster's mouth when it was fired. As a result, the Pathologist Panel concluded "that Mr. Foster's index fingers were in the vicinity of the cylinder gap when the weapon was fired." Pathologist Report ¶ 8.

Finally, the Panel was provided with summaries of interviews with Foster's family and friends during which they described Foster's depressed state prior to his death. The Pathologist Report notes that information that Foster took an anti-depressant prior to his death is corroborated by the finding of a trace amount of trazadone, an anti-depressant, identified in Foster's blood.

2. Basis for conclusion that death occurred in Fort Marcy Park

The Panel concluded that the condition of Foster's body and clothing at the time he was found precludes his having been moved to Fort Marcy Park from another location following his death.

The photographs taken of the body in Fort Marcy Park show modest amounts of blood on his face and clothing. The blood visible on his clothing was limited to a small area on the right shoulder of his shirt, which is consistent with Foster having committed suicide where the body was found. The Panel determined that "[s]ubstantially greater contamination of skin surfaces and clothing by spilled and/or smeared blood would have been unavoidable, had the body been transported postmortem to the place

where it was found." Pathologist Report, ¶ 3. The extensive blood loss that occurred after Foster's body was moved from the park confirms that finding.

Foster's body was positioned on a steep slope, with his head near the top of the berm and his legs extended down the hill. As a result, when his heart stopped beating, gravity permitted the settling of blood into the lower portions of his body rather than out of the wound in his head. Once the body was laid flat in the body bag for transportation to the morgue, substantial blood loss did occur. Foster's shirt and undershirt were completely saturated with blood when removed from his body before the autopsy. His face and head were also contaminated with additional amounts of blood, as shown in pre-autopsy photographs. Had the body been moved to Fort Marcy Park after his death, the Park Police would have found Foster's body and clothing far more bloodied than they were at the scene.

B. Analysis Of Issues Raised On Circumstances Of Foster's Death

A number of issues have been raised regarding the circumstances of Foster's death. Many of these question the Park Police conclusion that Foster committed suicide in Fort Marcy Park. In this section of the Report we will address those issues. Although it is not possible to provide a definitive response to each of the questions or theories posed, none present circumstances inconsistent with the conclusion that Foster committed suicide in Fort Marcy Park.

1. Why wasn't there more blood on and around Foster's body?

When the Park Police and EMS personnel found Foster's body in Fort Marcy Park, relatively little blood was visible. However, members of the Park Police who were present when Foster's body was rolled over observed a fairly large pool of blood on the ground where his head had been and further noted that the upper portion of the back of Foster's shirt was blood-soaked. The Pathologists' Report provides further explanation for the limited amount of blood observed at the scene:

[A]ny relative lack of extravasated blood can be readily explained by the position of the body on the steeply inclined slope, with blood settling postmortem to the dependent portions of the body, i.e., below the level of the head wounds and by the prompt cessation of cardiovascular activity incident to the bullet wound injury of the brainstem.

Pathologist Report, ¶ 6.

After Foster's body was placed into the body bag and his body laid flat, some of the blood that had settled in the lower part of his body then flowed out, causing significant additional bloodstaining on his clothes and face.

2. Why were Foster's hands found lying neatly at his side?

The final position of Foster's body is explained by his likely position when he fired the gun. The Pathologist Report concludes that Foster was seated at the time he pulled the trigger.* If Foster were lying down, it is likely that the bullet

* This conclusion is buttressed by the observation of a root pattern at the location of Foster's death which forms a natural seat a few feet down the slope of the berm.

would have been recovered in the soil beneath his head. If Foster was standing up, "he would not have ended up in the orderly position in which he was found." Pathologist Report, ¶ 6.

If Foster were seated, however, the position of the body was as would be expected following the loss of all motor function caused by bullet-generated trauma to the brainstem. The Pathologist Report concluded that "[a]fter firing the weapon, because of the sloped terrain, he would have fallen backward, with his arms falling to their respective sides by gravity, aided on the right by the weight of the revolver affixed to his thumb." Pathologist Report, ¶ 6.

3. Why was the gun still in Foster's hand?

After firing, the trigger of Foster's gun rebounds forward. Based on an analysis of scene photographs and an autopsy photograph showing a mark on Foster's right thumb, the Pathologist Panel and FBI ballistic experts concluded that Foster's thumb was "trapped and compressed" between the trigger and the trigger guard of the gun. Pathologist Report, ¶ 8. This conclusion is corroborated by the statement of Park Police Technician Peter Simonello who removed the gun from Foster's hand. He stated that Foster's knuckle initially prevented him from removing the gun from Foster's hand. As a result, Simonello half cocked the gun causing the trigger to be pulled back. Only then could Simonello remove the gun.

4. Why was there no blood on the gun?

The FBI Lab could reach no definitive conclusion on whether there was any blood on the gun. The source of the DNA material found on the muzzle of the gun is derived from human cellular material, which could be blood. However, even a determination that there was no blood on the gun would have little significance. The Pathologist Panel found that "[t]he absence of visible blood on the revolver is not inconsistent with the self-inflicted bullet wound [he] sustained. Visual or chemical identification of blood on the weapon in gunshot wound suicides is a common but by no means universal finding." Pathologist Report, ¶ 2.

5. Why did no one hear the shot?

It is impossible to determine conclusively that no one heard the shot. Given the location and circumstances of his death, however, it would not be surprising if the shot went unheard. The Park has few visitors, particularly on a weekday afternoon. It is entirely possible that there was no one else in the Park at the time that Foster fired the shot.

The closest building to the Park is the official Saudi Arabian Ambassador's residence located across Chain Bridge Road, a few hundred yards away from the spot that Foster shot himself. Interviews of the security guards at the Saudi Arabian residence and observations made by the FBI reveal that there were sources of noise which could have muffled the sound of a gunshot. First, Chain Bridge Road has a fairly steady stream of traffic in the

afternoon. Second, records obtained through the security guards at the Saudi residence show that construction work involving large vehicles and heavy machinery was occurring at the residence on the date of Foster's death. In addition, the sound of the shot would have been further muffled by Foster shooting the gun inside his mouth and by the Park's dense summer foliage.

6. Why was no bullet found?

The FBI Lab's search for the bullet focused on the most likely area for the bullet to have come to rest based upon certain assumptions of Foster's position when the gun was fired. Given the available information, however, it is impossible to determine where the bullet landed. For example, there is no information on the precise angle of Foster's head when the gun was fired. It is also impossible to predict to what degree the speed or trajectory of the bullet might have changed upon passing through his skull. It would have been enormously time-consuming, costly, and in all likelihood unproductive, to have searched the entire Park for the bullet.

7. Why was no dirt found on Foster's shoes?

The FBI Lab did find mica particles on Foster's shoes and socks. These mica particles are consistent with the mica that is found at Fort Marcy Park. It was approximately 90 degrees Fahrenheit and dry on the day that Foster died. Foliage leading up to and around Foster's body was dense. As a result, it is unlikely that there was a great deal of exposed moist soil in the Park that would have soiled Foster's shoes.

8. Why were there no powder burns inside Foster's mouth?

The Pathologist Panel was able to examine microscopic sections of Foster's soft palate obtained during the autopsy. These sections reveal large quantities of gunpowder indicating that the muzzle of the gun was inside Foster's mouth when he pulled the trigger. The Panel did not observe any burns caused by the muzzle blast, but added that such burns would not necessarily be expected under these circumstances.

9. Why was there no gunpowder on Foster's face?

The question of whether there was gunpowder on Foster's face remains unresolved. The scene and autopsy photographs show scattered "stippled material" on Foster's face. This material was not examined during the autopsy. It is uncertain whether this "stippled material" represents "gunpowder residue, blood spatter, or some other foreign material. . . ." Pathologist Report ¶ 8.

10. Why didn't CW see a gun in Foster's hand?

CW has stated that he viewed Foster's body from the top of the berm. He did not move down the berm to view the body from the side. CW has further stated that the natural foliage in the area made it difficult to see Foster's hands. In addition to the foliage, photographs taken at the scene show that Foster's right hand and leg obscured a large portion of the gun.

Observations of Park Police officers who also viewed the body from the top of the berm confirm that it was difficult to see the gun from that position. Officer Kevin Fornshill stated that he

was unable to see a gun in Foster's hand while viewing the body from the top of the berm due to the dense vegetation around Foster's body. He stated that he could not see the gun even when it was specifically referred to by a medic from Fairfax County EMS, who was positioned next to the body. Similarly, Ralph Pisani, a technician with Fairfax County EMS, was positioned about fifteen feet from the body at the top of the berm when he asked a colleague where the gun was. Even after he was told that the gun was in Foster's right hand, he was unable to see it from his position.

CONCLUSION

This Report does not purport to provide definitive answers to all questions surrounding Vincent Foster's death. Obviously, it is impossible to completely understand how or why he came to the point at which he decided to take his own life.

The overwhelming weight of the evidence compels the conclusion, however, that Vincent Foster committed suicide in Fort Marcy Park on July 20, 1993. Although the contributing factors to his depressed state can never be precisely determined, there is no evidence that any issues related to Whitewater, Madison Guaranty or CMS played any part in his suicide.

**EXHIBIT 1**

**FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535**

To: ADIC, Washington Metropolitan Field Office
Date: May 9, 1994

FBI File No. 29D-LR-35063
40324038 S/D QV ZG WK
Lab No. UD WP AL QW ZT VY ZZ AR
4033007 S/D QV ZG WK
UD WP AL VY ZZ AR
40405047 S QV RU
40413029 S QV
40414002 S/D QV QW WP
AL
40422001 S-QV QW

Reference: Communication dated 3/29/94

Your No. 29D-LR-35063

Re: MOZARK
MAJOR CASE #106
OO: Little Rock

Specimens received: March 24, 1994

Specimens personally delivered by SSA William Colombell on March 24, 1994 (Laboratory Number 40324038 S/D QV ZG WK UD WP AL QW ZT VY ZZ AR):

Q1 Cartridge (2)
Q2 Cartridge case (3)
Q3 Eyeglasses (4)
Q4 Jacket (10)
Q4A Handkerchief (10)
Q5 Tie (11)
Q6A-Q6F Miscellaneous papers (13)
Q7-Q7D Key ring and keys (14)

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(over)

Q8 Shirt (16)
 Q9 T-shirt (17)
 Q10 Shorts (18)
 Q11 Pants (19)
 Q11A Belt (19)
 Q12-Q13 Socks (20)
 Q14-Q15 Shoes (21)
 Q16 Map (23)
 Q17-Q18 Two pairs of glasses (24)
 Q19 Birthday card (25)
 Q20 Piece of paper (26)
 Q21 Box of checkbooks (27)
 Q22 Card (28)
 Q23 Bottle (29)
 Q24 Can (30)
 Q25 Pack of cigarettes (31)
 Q26 Bottle of Kaopectate (32)
 Q27 Corkscrew (33)
 Q28 Miscellaneous items from ashtray (34)
 Q29 Torn note and envelope resubmitted from Laboratory
 Number 30730011 D/S UD UJ (Q1) (35)
 Q30 Brown paper from around K1 barrel, white filter paper
 and white wrapping paper (37)
 Q31-Q31C Paper on which clothes were dried (38)
 Q32 Negatives (39)

K1 .38 Special caliber Colt revolver, Serial Number 355055 (1)

K2 Known head hair pulled from VINCENT FOSTER (22)

K3 Known blood sample from VINCENT FOSTER (36)

Specimens personally delivered by SSA William Colombell on March 30, 1994 (Laboratory Number 40330007 S/D QV ZG WK UD WP AL QW VY ZZ AR):

ALSO SUBMITTED:

Initial Mobile Crime Lab Report of scene of death (Tab 46)

Evidence Control Receipt for weapon, one casing, and one round (Tab 47)

Department of Treasury, ATF National Tracing Center, Report of Firearms Tracing, both serial number (Tab 48)

Metropolitan Police Department certificate of No Record of Firearms Registration for Weapon (Tab 49)

Photo of weapon shown to Foster's sister and John Sloan's correspondence reference same (Tab 50)

U.S. Park Police letter request ATF to perform forensic testing on evidence from the Foster Case, and result of tests from ATF (Tab 51)

Evidence Control Receipt listing Foster's personal property found at the scene (Tab 52)

Mobile Crime Lab Report on police action attending the autopsy (Tab 53)

Mobile Crime Lab Report on processing Foster's vehicle (Tab 54)

Mobile Crime Lab Report on the efforts to locate the spent bullet (Tab 55)

Mobile Crime Lab Report on processing the weapon for latent fingerprints (Tab 56)

Mobile Crime Lab Report on the "Foster Note" and the U.S. Capitol Police report of their examination of the "Foster Note" (Tab 57)

Mobile Crime Lab Reports reference the note and copies of the FBI's report on the examination of the note for their investigation into possible obstruction of justice (Tab 58)

Evidence control receipt of "Foster Note" (Tab 63)

Report of Autopsy and Toxicologist's Report on Foster (Tab 66)

Copies of personal papers found in Foster's wallet (Tab 67)

Specimens personally delivered by SSA James Corby on April 5, 1994 (Laboratory Number 40405047 S QV RU):

Q33 Bullet (1)
Q34 Bullet (2)
Q35-Q40 Six cartridge cases (3)
Q41-Q42 Two bullets (4)
Q43 Cartridge case (5)
Q44 Bullet (6)
Q45 Cartridge case (7)
Q46 Bullet (8)
Q47 Bullet (9)
Q48 Bullet (10)
Q49 Bullet (11)
Q50-Q51 Two bullets (12)
Q52-Q53 Two cartridge cases (13)
Q54-Q55 Two cartridge cases (14)

Q56-Q57 Two shotshell casings (14)

Q58 Bullet (14)

Q59 Miscellaneous items found at crime scene

Specimens personally delivered by Jim Bell on
April 12, 1994 (Laboratory Number 40413029 S QV):

ALSO SUBMITTED:

Report and notes of Carol Rosati, ATF Firearms
Identification Examiner

Disk with photos taken by Carlo Rosati, ATF Firearms
Identification Examiner

Specimens personally delivered by SSA William Colombell on
April 13, 1994 (Laboratory Number 40414002 S/D QV QW WP AL):

Q60-Q72 Thirteen autopsy photographs of VINCENT FOSTER

Q73-Q86 Copies of fourteen death scene photographs of VINCENT
FOSTER

ALSO SUBMITTED:

Roll of film taken at crime scene by Dr. Luke

Specimens delivered by Dr. James Luke on April 21, 1994
(Laboratory Number 40422001 S QV QW):

Q87 Copy of photo of Items 1, 2, 3

Q88-Q92 Copies of five polaroids taken at scene by Sgt.
Edwards

Q93-Q100 Copies of eight polaroids taken at scene by Officer
Simonello

Q101-Q113 Copies of thirteen polaroids taken during autopsy by
Dr. Beyer

Q114-Q127 Fourteen 35mm photos taken during autopsy by
Dr. Beyer

Result of examination:**FIREARMS:**

Specimen Q2 is a .38 Special caliber cartridge case of Remington manufacture which was identified as having been fired in the K1 revolver. Several pieces of ball smokeless powder were removed from the Q2 cartridge case in the Laboratory.

Specimen Q1 is a .38 Special caliber cartridge of Remington manufacture which is loaded with a round-nosed lead bullet. The Q1 cartridge and the Q2 cartridge case are similar in caliber type and manufacturer and bear similar "R-P .38 Spl HV" headstamps. The bullet was removed from the Q1 cartridge in the Laboratory.

The K1 revolver functioned normally when test fired in the Laboratory. The trigger pulls (single action and double action) were normal for the K1 revolver.

One piece of ball smokeless powder was removed from the Q3 glasses in the Laboratory. This piece of ball smokeless powder could have been deposited on the Q3 glasses from the cylinder blast or muzzle blast of the K1 revolver when fired. Ball smokeless powder was also removed from the Q30 paper in the Laboratory.

When the Q8 shirt was received in the Laboratory, the resultant color reaction for a positive reaction for the sodium rhodizonate test was apparent. This reaction was positive for vaporized lead and very fine particulate lead; it was noted on the front of the Q8 shirt. This type of reaction is consistent with the type of reaction expected when a firearm is discharged in close proximity to this portion of the shirt. It is consistent with muzzle blast or cylinder blast from a revolver like the K1 revolver using ammunition like specimens Q1 and Q2.

Subsequent chemical processing of the Q8 shirt in the Laboratory revealed lead residues in a small area near the sixth button from the collar on the front of the Q8 shirt. This reaction could have been caused by contact with a source of lead residues. Lead residues were also detected on the underside of the edge of the collar on the left side of the Q8 shirt. This small area of lead residues could have been caused by the discharge of a firearm consistent with the positive reaction noted above when the Q8 shirt was received in the Laboratory.

Apparent gunshot residue (smoke) was noted in the Q60, Q112, Q125, Q126 and Q127 photographs on the side of the right forefinger and web area of the victim's right hand. These residues are consistent with the disposition of smoke from muzzle blast or cylinder blast when the K1 revolver is fired using ammunition like that represented by specimens Q1 and Q2 when this area of the right hand is positioned near the front of the cylinder or to the side of and near the muzzle.

The mark on the inside of the right thumb which is visible in the Q60 photograph is consistent with a mark produced by the trigger of the K1 revolver when this portion of the right thumb is wedged between the front of the trigger and the inside of the front of the trigger guard of the K1 revolver when the trigger rebounds (moves forward). The trigger of the K1 revolver automatically rebounds when released after firing (single or double action) or whenever the trigger is released after it is moved to the rear. This mark is consistent with the position of the right thumb of the victim in the trigger guard of the revolver in the Q77, Q79 and Q97 photographs.

The position of the victims hand in the Q77, Q79 and Q97 photographs relative to the revolver and the apparent deposition of gunshot residue (smoke) visible in the Q60, Q112, Q125, Q126 and Q127 photographs is consistent with, but not limited to, the following position of the right hand during firing: Pulling the trigger of the K1 revolver with the right thumb, single or double action, or having the right thumb inside the trigger guard with the web area and side of the right forefinger near the front of the cylinder.

Based on differences in caliber, bullet type and/or the rifling impressions present in these bullets, specimens Q33, Q34, Q41, Q42, Q44, Q47, Q48, Q49, Q51 and Q58 can be eliminated as having been fired from the K1 revolver or they are dissimilar to the type of bullet loaded into the Q1 cartridge.

Specimens Q35 through Q40, Q43, Q45 and Q52 through Q57 are dissimilar to the type of ammunition components represented by specimens Q1 and Q2 and those commonly fired in the K1 revolver.

METALLURGY:

Based on metallurgical examinations, the Q46 and Q50 bullets, if exposed to the ambient environment from which they were recovered for the duration of their deformed life, were exposed for a period of time significantly exceeding nine months.

CHEMICAL ANALYSES:

The K3 blood contains trazodone, diazepam and nordiazepam at 0.06 micrograms per milliliter (ug/ml), 0.01 ug/ml and 0.04 ug/ml, respectively. The concentration of these drugs is below recognized therapeutic levels.

No drugs were identified in the K2 hair. Inasmuch as this laboratory has limited knowledge of drugs other than cocaine and morphine in hair, no conclusions should be drawn from the fact that the drugs found in the blood were not found in the hair.

Ball-shaped gunpowder was identified on the Q3 eyeglasses and the Q30 paper and in the scrapings from Q8, Q9 and Q31. This gunpowder is physically and chemically similar to the gunpowder identified in the Q2 cartridge case. One flattened ball-shaped gunpowder particle and one perforated disk-shaped gunpowder particle physically different from the gunpowder identified in the Q2 cartridge case was identified in the scrapings from Q12-Q15, and Q31B, respectively. The flattened ball-shaped gunpowder particle from the Q12 through Q15 scrapings is not consistent with having originated from a fired cartridge.

No ball-shaped gunpowder was identified on the tissue samples from the inside of FOSTER'S mouth, when examined at the Office of the Medical Examiner for Northern Virginia.

BLOODSTAIN PATTERN EXAMINATIONS:

Specimens Q8 through Q10, Q12 through Q15 and Q60 through Q127 as well as the ALSO SUBMITTED documentation was examined in an effort to determine any information of value through a study of the bloodstain patterns present. It is to be noted that a study of the above evidence alone cannot substitute for an in-person examination of the original/unaltered incident scene. The following observations were made:

Photographs of the victim at the incident scene depict apparent blood stains on his face and the right shoulder of his dress shirt. The staining on the shirt covers the top of the shoulder from the neck to the top of the arm and consists of saturating stains typical of having been caused by a flow of blood onto or soaking into the fabric. The stains on his face take the form of two drain tracks and one larger contact stain. Contact bloodstaining occurs when an object bearing wet blood comes in contact with an unstained object, leaving blood on the latter. The drain tracks extend from the right corner of the victim's mouth back toward and below the right ear and from the right nostril over the right cheek toward the temple area and above the right ear. The victim's body is depicted at the scene in a supine position with his face looking generally straight up, and the head not turned to either side. While the exact positioning of the victim's head relative to the ground and the contour of the ground itself are not known, the draining tracks suggest his head was tipped back slightly when the draining of blood occurred.

The contact stain on the right cheek and jaw of the victim is typical of having been caused by a blotting action, such as would happen if a blood-soaked object was brought in contact with the side of his face and taken away, leaving the observed pattern behind. The closest blood-bearing object which could have caused this staining is the right shoulder of the victim's shirt. The quantity, configuration and distribution of the blood on the shirt and the right cheek and jaw of the victim are consistent with the jaw being in contact with the shoulder of the shirt at some time. The available photographs depict the victim's head not in contact with the shirt and therefore indicate that the head moved or was moved after being in contact with the shoulder. The specific manner of this movement is not known.

An examination of the clothing of the victim disclosed extensive bloodstaining over the Q8 shirt and Q9 T-shirt which is inconsistent with that observed at the scene on specimen Q8. It should be noted, however, that during the normal course of such scene investigations, movement of the victim at or from the scene by investigative or medical personnel may result in stain patterns not specifically relevant to reconstruction of the original events surrounding the incident. Photographs taken before and after such actions often display apparent inconsistencies when attempts are made to relate the stain patterns to the incident itself.

SEROLOGICAL ANALYSES:

Grouping tests conducted on the K3 blood sample and the human blood identified on the below-listed specimens disclosed the following:

K3	"PGM 2-2+, Hp 2, Gc 1F1S"
Q8	"PGM 2-2+"
Q9	"PGM 2-2+, Hp 2, Gc 1F1S"

Attempts to further characterize Q8 were inconclusive. Human blood, too limited in amount for conclusive grouping purposes, was identified on Q11A. Blood, too limited in amount for conclusive origin determination, was identified on Q15. A preliminary chemical test for the presence of blood was positive on a stain of human origin on Q10; however, the presence of blood could not be confirmed. A preliminary chemical test for the presence of blood was positive on stains on Q4A and Q11; however, the presence of blood could not be confirmed due to a limited amount of stain. No blood was identified on Q3, Q4, Q5, Q12 through Q14, Q30 or K1.

Semen was identified on Q10. No semen was identified on Q4, Q4A, Q5, Q8, Q9 or Q11.

DNA ANALYSIS:

DNA DQ alpha types as listed were detected for the following specimens:

<u>Specimens</u>	<u>DNA DQ alpha Type</u>
K3 (FOSTER)	2,4
K1 (Muzzle portion of barrel)	2,4
Q6F (envelope flap)	
Q6F (stamp)	3,4

Based on the DNA DQ alpha results, the source of K3 is included as a potential contributor to the DNA detected in specimen K1. The estimated percentage of selecting an unrelated individual at random from the population having DQ alpha type 2,4 as detected in specimens K3 and K1, is approximately 6 percent of Caucasians, 8 percent of Blacks and 8 percent of Hispanics.

Based on the DNA DQ alpha results, the source of K3 is excluded as a potential contributor to the DNA detected on specimens Q6F.

There was insufficient DNA for DNA DQ alpha analysis on specimens Q3, Q6E, Q23, Q24 and Q29.

No DNA examinations were conducted on specimens Q6A through Q6D and Q30.

HAIRS AND FIBERS:

Blonde to light brown head hairs of Caucasian origin which are dissimilar to the head hairs in the K2 known head hair sample from Vincent Foster were found in the debris removed from the Q9 T-Shirt, the Q11 through Q11A pants and belt and the Q12 through Q15 socks and shoes. These hairs have been mounted on glass microscope slides and will be preserved for possible future comparisons.

No other hairs which were dissimilar to the known hairs of the deceased and which were suitable for significant comparison purposes were found in the debris from specimens Q4, Q5, Q8 through Q15 or Q31 through Q31C.

Carpet type fibers of various colors were found in the debris from specimens Q4, Q5, Q8, Q10 through Q15, Q31B and Q31C. These colors include white, tan, gray, blue, red and green. These fibers will also be preserved for possible future comparisons. It was also noted that a number of red/dark pink wool fibers were found in the debris from specimens Q9, Q12 through Q15, Q31A and Q31C. The sources of these wool and carpet fibers or their possible significance is unknown to the Laboratory.

No apparent damage, i.e. cuts, tears abraded areas or missing buttons, was noted on the Q4, Q5 or Q8 through Q15 clothing items.

OPTICAL EXAMINATIONS:

The wire frame, dark lens glasses, specimen Q17, are non-prescription Ray-Ban sunglasses. There are subtle indentations on the earpieces, an indication of chewing/biting.

The frames and nose pad appear bent, likely due to damage rather than an intentional adjustment. Due to the type of glasses and the nature of their condition, no physical or visual characteristics of the wearer can be determined.

The second pair of glasses, Sanford Hutton frames, specimen Q18, has tinted prescription lenses:

Right eye	-300 sph +150 x 123 degrees (-150 sph -150 cyl x 33 degrees)
Left eye	-325 or -350 sph +50 x 90 degrees (-275 or -300 sph - 50 cyl x 180 degrees)

The pupillary distance (PD) is 73mm. The lenses are compound, the wearer is nearsighted and has an astigmatism in both eyes. The rose colored lenses were originally grey. The color change is due to sun exposure. Subtle indentations on the earpieces indicate chewing/biting.

The pair of glasses, specimen Q3, has prescription lenses:

Right eye	-125 sph -125 x 20 degrees (-250 sph +125 cyl x 110 degrees)
Left eye	-275 sph - 50 x 175 degrees (-325 sph +50 cyl x 85 degrees)

The PD is 71 mm. The wearer is nearsighted and has an astigmatism in both eyes. Subtle indentations on the earpieces indicate chewing/biting. Also, the earpieces on the Q3 glasses move very easily.

Given the large PD and the prescription of the lenses, the two prescription glasses, specimens Q18 and Q3, could have been worn by the same individual. The small numerical differences regarding the lenses are not significant and could be the result of analytical error when examining the patient, medications taken by the patient concurrent with their examination, analytical error when preparing the lenses or any combination thereof.

MINEROLOGY:

The clothing and the paper on which the clothes were dried, specimens Q4, Q5, Q8 through Q15 and Q31, respectively, did not contain coherent soil. However, a few, small particles of mica were observed in the debris from the clothes the

victim was wearing when he was found by law enforcement authorities, specimens Q8 through Q15, and the drying paper, specimen Q31. The presence of a few, small particles of mica on these specimens is reasonable given the micaceous soil found at the crime scene. Debris recovered from the victim's jacket and tie, specimens Q4 and Q5, found in the victim's car, did not contain like mica.

DOCUMENT:

Indented writing in the wording "VU Parking Ticket" was observed on the back of the Q6b "Ty Tippet" business card.

No other indented writing was observed on specimens Q6, Q16, Q19 through Q22, Q28, and Q29.

PHOTOGRAPHIC:

The 35mm color negatives (Q32) were examined to locate frames for photographic enhancement. The selected frames (5, 6, 7, 8, 9, 10, 17, 18) were printed using Kodak Ultra print paper to produce maximum image detail. Due to the negatives having been underexposed during the photographic process, limited detail could be extracted from each of the selected frames.

KEY EXAMINATIONS:

Specimen Q7 consists of a key ring containing four keys, a plastic tab and a metal tag with the inscription:

THANK YOU
COOK JEEP SALES
Little Rock, Ark.
Ph 374-4848

Examination of the four keys determined they are consistent with the type of keys utilized in door and cabinet locks.

The Q7A key bears the inscription. "U.S. PROPERTY DO NOT DUPLICATE" and has Medeco type cuts. Such cuts indicate that this key was intended for use in high security locks.

The Q7B key is of the type utilized in double bitted cam locks which are used for cabinet drawers, vending machines, lock boxes, etc.

The Q7C and the Q7D keys are conventionally cut keys which are utilized in standard door locks.

FINGERPRINT:

You will be separately advised concerning the results of the requested latent fingerprint examinations.

ADMINISTRATIVE/DISPOSITION:

RFLP DNA examinations are continuing on specimens K3 and Q10 and will take several weeks to complete. You will be advised of the results of those examinations as soon as they are completed.

The photographs produced during the above-mentioned photographic examinations of specimen Q32 and specimen Q32 were returned to SSA Larry Monroe on May 9, 1994.

Specimens Q60 through Q72, Q73 through Q86 and the negatives, photographs and slides produced from the ALSO SUBMITTED film from Laboratory Number 40414002 S QV QW WP AL and specimens Q101 through Q127 were returned to SSA Colombell on May 3, 1994. You will be separately advised concerning the disposition of the remaining submitted specimens.



**FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535**

To: ADIC, Washington Metropolitan Field Office
Date: June 13, 1994

FBI File No. 29D-LR-35063

Lab No. 40525002 S QV WP ZG VY
ZZ

Reference: Also submitted communication received May 25, 1994

Your No. 29D-LR-35063

Re: MOZARK
MAJOR CASE #106

OO: Little Rock

Specimens received: May 25, 1994

**Specimens personally delivered by SSA Larry Monroe on
May 25, 1994:**

ALSO SUBMITTED:

Note regarding issues being posed to obtain
clarification or observations in regard to
May 9, 1994 Laboratory Report

Result of examination:

Reference is made to the FBI Laboratory report dated
May 9, 1994, submitted in connection with this case.

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(over)

FIREARMS:

Issue No. 1 in the ALSO SUBMITTED note relates to the positive color reaction for vaporized lead and fine particulate lead which was noted on the front of the Q8 shirt when it was received in the Laboratory. As noted in the referenced report, the presence of these gunshot residues (vaporized lead and fine particulate lead) is consistent with firing a firearm in close proximity to this portion of the Q8 shirt. Further, it was noted that the presence of these gunshot residues was consistent with the muzzle blast or cylinder blast which was noted when the K1 revolver was fired using ammunition like that represented by specimens Q1 and Q2. It cannot be concluded that the K1 revolver produced these gunshot residues; however, they are consistent with the cylinder blast or the muzzle blast which would be produced if the K1 revolver was fired in close proximity to the front of the Q8 shirt.

Issue No. 2 in the ALSO SUBMITTED note related to the finding of one piece of ball smokeless powder on the Q3 glasses when examined in the Laboratory. No determination can be made as to the position of the Q3 glasses at the time of death. It is noted, however, that ball smokeless powder can be deposited down range from the muzzle of a firearm when fired (muzzle blast) and to the sides of the front of the cylinder (cylinder blast) when a revolver is fired. It is noted in the referenced report that this piece of ball powder could have been deposited on the Q3 glasses from the cylinder blast or muzzle blast of the K1 revolver when fired. Also, in the referenced report, it was noted that the earpieces on the Q3 glasses move very easily.

CHEMICAL ANALYSES:

It was previously reported that no ball-shaped gunpowder was identified on the tissue samples from the inside of FOSTER'S mouth, when examined at the Office of the Medical Examiner for Northern Virginia. Inasmuch as these tissue samples were prepared in a way which is not conducive to retaining unconsumed gunpowder particles, these findings are not unexpected. Also, unconsumed gunpowder particles are different from residue of gunpowder. The FBI Laboratory findings are not inconsistent with the Pathologists' Report relating to a suicide finding in which the muzzle of the firearm was in FOSTER'S mouth.

To determine if a person could have been shot by a particular firearm, the gunpowder from a fired cartridge case can be compared with gunpowder from a victim. It was previously reported that ball-shaped gunpowder was identified on the Q3 eyeglasses and in the scrapings from Q8, Q9, Q30 and Q31. This gunpowder is physically and chemically similar to the gunpowder identified in the Q2 cartridge case. One flattened ball-shaped gunpowder particle and one perforated disk-shaped gunpowder particle physically different from the gunpowder identified in the Q2 cartridge case was identified in the scrapings from Q12 through Q15, and Q31B, respectively. The flattened ball-shaped gunpowder particle from the Q12 through Q15 scrapings is not consistent with having originated from a fired cartridge. The significance of these findings is that approximately 20 gunpowder particles from Q3, Q8, Q9, Q30 and Q31, which are consistent with being deposited from the muzzle/cylinder blast of the K1 revolver when fired, matched the gunpowder from the Q2 cartridge case and that only two particles did not match and that one of the two was not consistent with having originated from a fired cartridge. Also, the one which was consistent with coming from a fired cartridge was found on a piece of paper used to dry FOSTER'S clothes. The source of these two particles is unknown; however, they are not likely associated with this investigation.

SEROLOGICAL ANALYSES:

The following information is provided regarding the processing of the specimen K1 .38 Special caliber Colt revolver, Serial Number 355055, for the presence of blood on April 22, 1994 in the FBI Laboratory:

A visual examination of K1 did not reveal the presence of any stains consistent with blood on the exterior surfaces of the weapon. The presence or absence of saliva on a specimen such as K1 cannot be determined by a visual examination.

The entire surface area of K1 was not subjected to chemical testing for the presence of blood or saliva inasmuch as K1 was to be subsequently processed in the FBI Laboratory for the presence of latent fingerprints and DNA. A general swabbing of the entire surface of K1 for the presence of blood or saliva could remove and/or destroy latent fingerprints and/or DNA. Therefore, only limited areas on the outer and inner surfaces of the barrel were selected and subjected to chemical testing for the presence of blood with negative results.

It is also pointed out that the inability to detect blood or saliva on a specimen such as K1, does not preclude subsequent DNA testing.

Specimen K1 appeared to have been previously processed for latent fingerprints prior to receipt by the FBI Laboratory. It should be noted that the processing of K1 for latent fingerprints prior to receipt by the FBI Laboratory could have removed, degraded and/or obscured any blood that may have been initially present to the extent that subsequent visual examination and chemical testing for the presence of blood by the FBI Laboratory would yield negative results.

DNA ANALYSES:

The following information is provided regarding the examination of item K1 for the presence of DNA by DQ alpha analysis.

Item K1 was examined for the presence of human DNA. The exterior circumference of the barrel was swabbed from the bore area to a distance of 5 cm extending from the muzzle end. Human DNA was extracted from the swab and type as DQ alpha type 2, 4. This is consistent with the DQ alpha type of the victim FOSTER.

Human DNA is contained within almost cells within the human body. These cells can be carried in many body fluids such as blood, saliva, urine or semen (in males). DNA from cells contained in the blood of an individual would be the same as DNA taken from cells contained in that individual's saliva. The DNA analysis conducted on item K1 is specific for human DNA. This test cannot determine if the source of the DNA was blood or saliva.

MINERALOGY:

Mica was recovered from the individual specimens Q8 through Q10. Specimens Q11 and Q11a, pants and belt, respectively, were packaged together. Mica was observed on the pants prior to scraping them. Both specimens were scraped together given that they were packaged together. Mica was also observed in the collective scraping of these specimens. Specimens Q12 through Q15, shoes and socks, were packaged together. Hence, these specimens were scraped together and the collective debris examined. Mica was observed in the collective debris.

Specimens Q4 and Q5, jacket and tie, were packaged together and scraped accordingly. No mica was observed in the collective debris.

Specimens Q31 through Q31c, the paper on which the clothes were dried, were packaged together. Accordingly, observed mica in the debris cannot be attributed to a specific specimen.

ADMINISTRATIVE:

The response to the issues in the ALSO SUBMITTED note relating to the fingerprint examination (Issue No. 6) and the death scene search (Issue No. 7) will be reported separately.



**FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535**

To: ADIC, WMFO

Date: May 9, 1994

FBI File No. 29D-LR-35063

Lab No. E-2700

Reference: Specimens received March 24, 1994

Your No. 29D-LR-35063

**Re: MOZARK;
MAJOR CASE 106**

Specimens received: April 15, 1994 in Latent Fingerprint Section

Specimens:

- Q2, cartridge case**
- Q3, eyeglasses (processed prior to receipt)**
- Q6, miscellaneous papers**
- Q7, key ring**
- Q16, map**
- Q17 and Q18, two pairs of glasses**
- Q19, card**
- Q20, piece of paper**
- Q21, box of checkbooks**
- Q22, card**
- Q23, bottle**
- Q24, can**
- Q25, pack of cigarettes**
- Q26, bottle of Kaopectate**

(Continued on next page)

ADIC, WMFO

May 9, 1994

Continuation of specimens:

Q27, corkscrew
Q28, miscellaneous items from ashtray
K1, .38 caliber Colt Revolver, bearing serial number 355055
(processed prior to receipt)

The results of the other requested forensic examinations and the disposition of the specimens will be furnished in a separate report.

The specimens were examined and eight latent fingerprints and one latent palm print of value were present or developed on the underside of a pistol grip removed from K1, a business card, two envelopes and a greeting card, parts of Q6.

Seven latent fingerprints are not the fingerprints of VINCENT WALKER FOSTER, JR., FBI #740702RA9. The remaining latent fingerprint (side area) was compared with the available fingerprints of FOSTER, but no identification was effected. Clearly and completely recorded inked impressions of the side areas of the fingers and palm prints are necessary for conclusive comparisons.



**FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535**

To: ADIC, WMFO

Date: June 9, 1994

FBI File No. 29D-LR-35063

Lab No. E-2700

**Reference: Communication and list of issues raised by the Independent
Counsel dated May 26, 1994**

Your No. 29D-LR-35063

**Re: MOZARK;
MAJOR CASE 106;
FAG-SBA; FIF**

Specimens received: May 31, 1994 in Latent Fingerprint Section

Specimens:

Q131, fingerprint card of VINCENT W. FOSTER, JR.

The results of the other requested forensic examinations and the disposition of the specimen will be furnished in a separate report.

Nine latent fingerprints previously reported in the captioned case are not the fingerprints of FOSTER. The remaining latent fingerprint (side area) was compared with the available fingerprints of FOSTER, but no identification was effected. Clearly and completely recorded inked impressions of the side areas of the fingers and palm prints are necessary for conclusive comparisons.

(Continued on next page)

1 - Little Rock

ADIC, WMFO

June 9, 1994

The following statement is in response to the supplemental request of the Independent Counsel for commentary as to why FOSTER's prints were not found on the weapon:

After I received K1, pistol, I examined it for latent prints by visual examination, laser, cyanoacrylate, laser dye, and appropriate fingerprint powders. No latent prints were detected on the exterior surface of the weapon. Upon removing the grips from the weapon, one latent fingerprint was visible on the underside of the right pistol grip, approximately two inches from the base of the grip.

Generally, the determining factors in leaving latent prints are having a transferable substance, i.e., sweat, sebaceous oil or other substance on the fingers, and having a surface that is receptive to receiving the substance that forms the latent prints. A clean, smooth, flat surface is most receptive for transfer of any substance from the fingers. Some reasons for the lack of these substances are an individual who does not perspire readily, or an individual who wipes or cleans the hands before touching an item, thus removing any substance from the fingers.

Certain atmospheric conditions that an item is subjected to before discovery of that item, such as outside heat, rain, snow, etc., could destroy any latent prints on that item. In addition if an item is not protected from excessive handling or friction, latent prints could also be destroyed, thereby causing no latent prints to be detected or developed.

Please call Specialist L. G. HUPP, (202) 324-6937, if you have any questions concerning the result of the latent print examination.



**FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535**

To: ADIC, Washington Metropolitan Field Office

Date: June 17, 1994

FBI File No. 29D-IR-35063

Lab No. 40602045 S/D QV UD
40617025 D UD

Reference: Communications dated June 1, 1994 and June 16, 1994

Your No. 29D-IR-35063

Re: MOZARK;
MAJOR CASE #106
OO: LITTLE ROCK

Specimens received: June 2, 1994

Specimens received under cover of communication dated June 1, 1994 (40602045 D UD)

K5 One photocopied sheet of paper bearing the known handwriting of VINCENT FOSTER

RESUBMISSION OF Q1 (30730011 D UD) AND K4 (40525017 D UD)

Specimens received under cover of communication dated June 16, 1994 (40617025 D UD)

K6 Handwriting sample bearing the purported known writing of VINCENT FOSTER

Results of examination:

It was determined that the handwriting on the previously submitted note designated Q29 in Laboratory report dated May 9, 1994 (Lab #40324038 S/D QV ZG WK UD WP AL QW ZT VY ZZ and AR) was written by VINCENT FOSTER, whose known writings

Page 1
Enclosures (2)

(over)

are designated K4 (previously submitted and assigned Lab #40525017 S/D QV ZG UD and VY), K5 (previously submitted and assigned Lab #40602045 S/D QV UD) and K6 (assigned Lab #40617025 D UD).

K5 and K6 are returned herewith. The disposition of Q29 and K4 will be reported separately. Appropriate photographs have been made.

EXHIBIT 2
CURRICULUM VITAE

Personal Data:

Name: Charles S. Hirsch, M.D.

Birth: March 30, 1937 Chicago, Illinois

Address: (Home)
300 East 75th Street, Apt. 25K
New York, N.Y. 10021
(212) 628-6182

(Office)
Office of Chief Medical Examiner
520 First Avenue
New York, N.Y. 10016
(212) 447-2034

Marital Status: Married, 1 Child

Undergraduate Education:

University of Illinois, Urbana, 1954-58, B.S. (with High Distinction)

Medical Education and Post Graduate Training

Medical School: University of Illinois College of Medicine, Chicago
1958-62 (Alpha Omega Alpha).

Internship: Rotating Intern, University Hospitals of Cleveland, 1962-1963

Residency: Anatomic Pathology, Institute of Pathology, Case Western Reserve University, Cleveland, 1963-65.

Fellowships: Neuropathology: Central Anatomic Laboratory, Department of Mental Hygiene at the Office of the Chief Medical Examiner, Baltimore, Maryland, 1965-66.

Forensic Pathology: Office of the Chief Medical Examiner, Baltimore, Maryland, 1966-67.

Military Service:

U.S. Air Force Medical Corps, 1967-69, honorably discharged (USAF Commendation Award, 1969).

Certifications:

National Board of Medical Examiners, Parts, I, II, III.
American Board of Pathology in Anatomic Pathology (May 1968)
and Forensic Pathology (May 1969)

Licensure:

State of Ohio, 1963.
State of New York, 1984.

Current Positions:

Chief Medical Examiner, City of New York (1989-)
Professor and Chairman, Department of Forensic Medicine and Professor of Pathology, New York University Medical School (1989 -)
Adjunct Professor of Pathology, Cornell University Medical College (1989-).

Former Positions:

Associate Pathologist and Deputy Coroner, Cuyahoga County
Coroner's Office, Cleveland, Ohio (1969-79).
Associate Professor of Forensic Pathology, Case Western
Reserve University School of Medicine, Cleveland,
Ohio (1976-79), Assistant Professor of Forensic
Pathology (1971-76), Instructor in Forensic Pathology
(1969-71).
Director of Forensic Pathology, Hamilton County Coroner's Office,
Cincinnati, Ohio (1979-1985).
Professor of Pathology, University of Cincinnati College of Medicine,
(1979-1985)
Chief Medical Examiner, Suffolk County, New York (1985-1988).
Professor of Forensic Pathology, SUNY Medical School at Stony
Brook, New York (1985-88).

Medical Societies and Organizations:

American Society of Clinical Pathologists
 College of American Pathologists
 American Academy of Forensic Sciences
 National Association of Medical Examiners
 Alpha Omega Alpha
 American Medical Association
 New York State Medical Society

Other Professional Activities:

American Society of Clinical Pathologists:
 Council on Forensic Pathology (1975-1980) (1985-87).
 Program Committee (1983-87).
 Planning and Scope Committee (1983-86).
 Director or Codirector of workshops regularly presented
 at national meetings since 1975.
 Prelector, Forty-seventh Annual Anatomic Pathology
 Slide Seminar (1981).
 College of American Pathologists:
 Committee on Forensic Pathology, (1969-1985, Chairman
 1980-1984).
 National Autopsy Data Bank Committee (1982-84).
 Committee on Alcohol and Traffic Safety (Chairman,
 1983).
 Director and participant in numerous seminars presented
 at national and regional meetings since 1970.
 President, Cleveland Society of Pathologists (1975-1976).

 Board of Editors, American Journal of Clinical Pathology
 (1976-1982).
 Board of Editors, American Journal of Forensic Medicine and
 Pathology (1980-1992).
 Board of Editors, Pathologist (1981-1985).
 Board of Editors, Human Pathology (1988-).
 Board of Editors, Journal of Forensic Sciences (1993-).

The American Board of Pathology:

Forensic Pathology Examination Committee (1974-1980).

Trustee Designate (1980-).

Trustee (1981-1992).

Secretary (1988).

Vice President (1989-1990).

President (1991).

Elected Life Trustee, 1993

**Recipient of "The Golden Apple," University of Cincinnati
Medical School (1980).**

**Commencement Speaker, University of Cincinnati Medical School
(1983).**

**Recipient of the CCE Commissioner's Medal of the American
Society of Clinical Pathologists, 1989**

**Fellow, New York Academy of Medicine (1989-)
Board of Trustees (1991-)**

Publications:

1. Hirsch, C.S., Adelson, L.: Absence of Carboxyhemoglobin in Flash Fire Victims, *JAMA* 210: 2279-80, 1969.
2. Hirsch, C.S.: The Format of the Medicolegal Autopsy Protocol. *Am. J. Clin. Pathol.* 55:407-409, 1971.
3. Hirsch, C.S., Martin, D.L.: Unexpected Death in Young Epileptics. *Neurology* 21:682-690, 1971.
4. Hirsch, C.S.: Dermatopathology of Narcotic Addiction. *Human Pathol.* 3: 37-53, 1972.
5. Hirsch, C.S., Adelson, L.: Acute Fatal Intranasal Narcotism. *Human Pathol.* 3:71-73, 1972.
6. Hirsch, C.S., Rushforth, N.B., Ford, A.B., Adelson, L.: Homicide and Suicide in a Metropolitan County: I Long-Term Trends. *JAMA* 223: 900-905, 1973.
7. Hirsch, C.S., Adelson, L.: Ethanol in Sequestered Hematomas. *Am. J. Clin. Pathol.* 59: 429-433, 1973.
8. Levine, L.H., Hirsch, C.S., White, L.W.: Quinine Cardiotoxicity, A Mechanism for Sudden Death in Narcotic Addicts. *J. Forensic Sci.* 18:1 -172, 1973.
9. Adelson, L., Hirsch, C.S.: Sudden and Unexpected Death from Natural Causes in Adults. Spitz, W.U., Fischer, R.S. (eds.): Medicolegal Investigation of Death. Springfield, Charles C. Thomas, 1973, pp. 85-115.
10. Hirsch, C.S., Valentour, J.C., Adelson, L., Sunshine, I: Unexpected Ethanol in Drug Intoxicated Persons. *Postgraduate Medicine* 54: 53-57, 1973.
11. Hirsch, C.S., Chang, A.H., Hoffman, G.L.: Sudden and Unexpected Death in Hemoglobin S C Disease. *J. Forensic Sci.* 19:43-47, 1974.
12. Rushforth, N.B., Hirsch, C.S., Ford, A.B., Adelson, L.: Accidental Firearm Fatalities in a Metropolitan County. *Am. J. Epidemiol.* 100: 499-505, 1974.

13. Hirsch, C.S.: The Confusing Crash. ASCP Forensic Pathology Check Sample, No. FP-79, 1975.
14. Moritz, A.R., Morris, R.C., Hirsch, C.S.: Handbook of Legal Medicine, ed. 4, C.V. Mosby Co., Saint Louis, 1975.
15. Hirsch, C.S., Kaufman, B.: Contrecoup Skull Fractures. J. Neurosurg. 42:530-534, 1975.
16. Hirsch, C.S., Roessman, U.: Arterial Dysplasia with Ruptured Basilar Artery Aneurysm. Human Pathol. 6: 749-758, 1975.
17. Hirsch, C.S., Adelson, L.: The Naked Skeleton. ASCP Forensic Pathology Check Sample, No. FP-85, 1976.
18. Hirsch, C.S., Adelson, L.: A Suicidal Gunshot Wound of the Back. J. Forensic Sci 21 659-666, 1976.
19. Hirsch, C.S.: Autopsy in a Medical-Legal Case. Practical Reviews in Pathology, Vol. 1, No. 12, 1976.
20. Hirsch, C.S.: Head Injury. Workshop syllabus prepared for the American Society of Clinical Pathologists, 1977.
21. Hirsch, C.S.: Sudden, Unexpected Death. Practical Reviews in Pathology, Vol. 2, No 1, 1977.
22. Hirsch, C.S.: The Dismembered Mummy. ASCP Forensic Pathology Check Sample, No. FP-91, 1977.
23. Adelson, L., Hirsch, C.S.: Physical Agents in Causation of Injury and Disease. In Anderson WAD and Kissane J.M.: Pathology, ed. 7, pp. 199-236, C.V. Mosby Co., Saint Louis, 1977.
24. Rushforth, N.B., Ford, A.B., Hirsch, C.S., Rushforth, N.M. and Adelson, L.: Violent Death in a Metropolitan County: Changing Patterns in Homicide (1958-1974). N. Eng. J. Med. 297: 531-538, 1977.
25. Hirsch, C.S., Bost, R.O., Gerber, S.R., Cowan, M.E., Adelson, L., and Sunshine, I.: Carboxyhemoglobin Concentrations in Flash Fire Victims. Report of Six Simultaneous Fire Fatalities Without Elevated Carboxyhemoglobin. Am. J. Clin. Pathol. 68: 317-320, 1977.

26. Adelson, L., Hirsch, C.S., and Schroeder, O.J., Jr.: Fetal Homicide Victims of Maternally Sustained Violence. The Law-Medicine Center, Case Western Reserve University, Cleveland, Ohio, 1977.
27. Hirsch, C.S.: Forensic Toxicology: Role of the Pathologist. Thoma, J.J., Bondo, P.B. and Sunshine, I. (eds): Guidelines for Analytical Toxicology Programs. Cleveland, CRC Press, 1977, pp. 53-57.
28. Fisher, R.S. and Petty, C.S. (eds): Forensic Pathology. A Handbook for Pathologists. Washington, D.C., U.S. Government Printing Office (Stock Number 027-000-0054-1), 1977.
 - A) Francisco, J.T. and Hirsch, C.S.: Sudden Infant Death Syndrome (Crib Death), pp. 83-86.
 - B) The Forensic Pathology Committee, College of American Pathologists: Rape, pp. 92-99.
 - C) Lukash, L.I. and Hirsch, C.S.: The neck, pp. 119-122.
 - D) Eckert, W.G. and Hirsch, C.S.: Drowning, pp. 129-132.
 - E) Hirsch, C.S.: Shotgun Wounds, pp. 144-150.
 - F) Hirsch, C.S.: Drug Deaths by Injection, pp. 168-171.
29. Adelson, L., Faust, J.L., Hirsch, C.S., Schroeder, O.C., and Scott, D.B.: Medicine, Dentistry and Law: A Partnership for Criminal Justice: Identification of the Murder Victim. The Law-Medicine Center, Case Western Reserve University, Cleveland, Ohio, 1977.
30. Hirsch, C.S. and Adelson, L.: The Case of the Telltale Bone Fragment: Little Things Mean a Lot. ASCP Forensic Pathology Check Sample, N. FP-96, 1978.
31. Hirsch, C.S. (Editor and Committee Chairman): Forensic Pathology Professional Self-Assessment Program, Series III. American Society of Clinical Pathologists, Chicago, Illinois, 1979.
32. Ford, A.B., Rushforth, N.B., Rushforth, N., Hirsch, C.S., and Adelson, L.: Violent death in a Metropolitan County: II. Changing Patterns in Suicides (1959-1974). Am. J. Public Health 69:459-464, 1979.
33. Hirsch, C.S., Morris, R.C., and Moritz, A.R.: Handbook of Legal Medicine, ed. 5, C.V. Mosby Company, Saint Louis, 1979.

34. Zumwalt, R.E. and Hirsch, C.S.: Evaluation of Fatal Child Abuse. Workshop syllabus prepared for the American Society of Clinical Pathologists, 1979.
35. Hirsch, C.S. and Thompson, R.D.: The Prolapsing Mitral Valve Syndrome: A Case of Sudden, Unexpected Death. ASCP Forensic Pathology Check Sample, No. FP-106, 1979.
36. Curran, W.J., McGarry, A.L., and Petty, C.S. (eds.): Modern Legal Medicine, Psychiatry and Forensic Sciences, F.A. Davis Company, Philadelphia, Pennsylvania, 1980.
 - A) Hirsch, C.S.: Chapter 6, Medicolegal Autopsy: Practical Perspectives, pp. 129-138.
 - B) Hirsch, C.S.: Chapter 49. The Role of the Pathologist in Chemically Induced Death Cases, pp. 1119-1131.
37. Hirsch, C.S. and Dix, J.D.: The Homicide that Wasn't. ASCP Forensic Pathology Check Sample, No. FP-108, 1980.
38. Cebelin, M.S., Hirsch, C.S.: Human Stress Cardiomyopathy. Human Pathol. 11: 123-132, 1980.
39. Tomashefski, J.F., Jr., Hirsch, C.S.: P The Pulmonary Vascular Lesions of Intravenous Drug Abuse. Human Pathol. 11: 133-145, 1980.
40. Dawson, S.L., Hirsch, C.S.: Lucas, F.V., Sebek, B.A.: The Contrecoup Phenomenon. Human Pathol. 11:155-156, 1980.
41. Zumwalt, R.E., Hirsch, C.S.: Subtle Fatal Child Abuse. Human Pathol. 11: 167-174, 1980.
42. Tomashefski, J.F., Jr., Hirsch, C.S., Jolly, P.N.: Microcrystalline Cellulose Pulmonary Embolism and Granulomatosis. Arch. Pathol. Lab. Med. 105:89-93, 1981.
43. Hirsch, C.S., Dawson, S.L., Zumwalt, R.E.: Bathtub Submersion: Is it Drowning? ASCP Forensic Pathology Check Sample, No. FP 81-2 (FP-115), 1981.

44. Zumwalt, R.E., Hirsch, C.S., Parrott, C.L., van der Bel-Kahn, J.: Sudden Death in Familial Endocardial Fibroelastosis. ASCP Forensic Pathology Check Sample, No. FP 82-1 (FP-120), 1982.
45. Parrott, C.L., Hirsch, C.S., Zumwalt, R.E., Roberts, S.M.: Fatal Acetaminophen-induced Liver Injury. ASCP Forensic Pathology Check Sample, No. FP 82-2. (FP-121), 1982.
46. Petty, C.S., Davis, J.H., and Hirsch, C.S.: Scientific Death Investigation: Proceedings of the Forty-seventh Annual Anatomic pathology Slide Seminar of the American Society of Clinical Pathologists. ASCP Press, Chicago, 1983.
47. Tornheim, P.A., Liwnicz, B.H., Hirsch, C.S., et. al.: Acute Responses to Blunt Head Trauma: Experimental Model and Gross Pathology, J. Neurosurg. 59: 431-438, 1983.
48. Stone, K.M., Zumwalt, R.E., Staneck, J.L., Hirsch, C.S.: Fatal Toxic Shock Syndrome. ASCP Forensic Pathology Check Sample, No. FP 83-5 (FP-130), 1983.
49. Hirsch, C.S.: Forensic Pathology and the Autopsy. Arch. Pathol. Lab. Med. 108: 484-89, 1984.
50. Hirsch, C.S.: Talking to the Family After an Autopsy. Arch. Pathol. Lab. Med. 108: 513-14, 1984.
51. Zumwalt, R.E., Hirsch, C.S.: Death During Hospital Restraint. ASCP Forensic Pathology Check Sample, No. FP 84-3 (FP-134), 1984.
52. Walter, E. Hirsch, C.S., and Zumwalt, R.E.: Never Say Never: Negligible Carboxyhemoglobin in the Victim of a Smoldering Mattress Fire. Am. J. Forensic Med. Pathol. 5: 239-244, 1984.
53. Stewart, R.V., Zumwalt, R.E., Hirsch, C.S., and Kaplan, L.: Postmortem Diagnosis of Myocardial Disease by Enzyme Analysis of Pericardial Fluid. Am. J. Clin. Pathol. 82: 411-417, 1984.
54. Hirsch, C.S. and Zumwalt, R.E.: Injuries Caused by Physical Agents. In Kissane, J.M. (ed.): Anderson's Pathology, ed. 8, pp. 113-146, C.V. Mosby Co., Saint Louis, 1984.

55. Angermeier, P., Zumwalt, R.E., Hirsch, C.S.: No Anatomic Cause of Death. ASCP Forensic Pathology Check Sample, No. FP 85-4 (FP-141), 1985.
56. Richardson, J.K. and Hirsch, C.S.: Sudden Unexpected Death due to "Pineal Apoplexy." *Am. J. Forensic Med. Pathol.* 7: 64-68, 1986.
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58. Zumwalt, R.E. and Hirsch, C.S.: Medicolegal Interpretation of Gunshot Wounds. *Am. J. Emerg. Med.* 5, 133-139, 1987.
59. Wright, W.K. and Hirsch, C.S.: The Physician Assistant as Forensic Investigator. *J. Forensic Sci.* 32: 1059-1061, 1987.
60. Zumwalt, R.E. and Hirsch, C.S.: Pathology of Fatal Child Abuse and Neglect. In Helfer, R.E. and Kempe, R.S.: The Battered Child, ed. 4, pp. 247-285, University of Chicago Press, Chicago, Ill., 1987.
61. Huser, C.J. and Hirsch, C.S.: Homicidal Commotio Cordis. ASCP Forensic Pathology Check Sample, No. FP 87-6 (FP-155), 1987.
62. Huser, C.J. and Hirsch, C.S.: Sudden Cardiac Death Caused by Hypertension Independent of Coronary Atherosclerosis. ASCP Forensic Pathology Check Sample, No. FP 88-6, 1988.
63. Adams, V.I. and Hirsch, C.S.: Venous Air Embolism from Head and Neck Wounds. *Arch. Pathol. Lab. Med.*: 113, 498-502, 1989.
64. Hirsch, C.S. Lester Adelson, M.D., A Tribute. *Am. J. Forensic med. Pathol.* 10: 261-263, 1989.
65. Barnard, J.J. and Hirsch, C.S.: Which Came First, the Rupture or the Impact? ASCP Forensic Pathology Check Sample, No. FP 89-5 (FP-166), 1989.
66. Hirsch, C.S. and Zumwalt, R.E.: Injuries Caused by Physical Agents. In Kissane, J.M. (ed.): Anderson's Pathology, ed. 9, pp. 111-145, 1989.
67. Hirsch, C.S. Anniversary Discourse: The Office of the Chief Medical Examiner. *Bull. N.Y. Acad. Med.* 65: 821-827, 1989.

68. Hirsch, C.S. Craniocerebral Trauma, in Froede, R.C., ed. Handbook of Forensic Pathology, Northfield, Illinois, College of American Pathologists, 1990, pp. 182-190.
69. Marzuk, P.M., Tardiff, K., and Hirsch, C.S.: The epidemiology of murder-suicide. JAMA **267**: 3179-3183, 1992.
70. Hirsch, C.S. and Adams, V.I.: Sudden and Unexpected Death from Natural Causes in Adults. Spitz, W.U. Spitz and Fisher's Medicolegal Investigation of Death, Ed. 3. Charles C. Thomas, Springfield, Illinois, pp. 137-174, 1993.
71. Adams, VI and Hirsch, CS. Trauma and Disease. Spitz, WU. Spitz and Fisher's Medicolegal Investigation of Death, Ed 3. Charles C. Thomas, Springfield, Illinois, pp. 175-198, 1993.
72. Marzuk PM, Tardiff K, Hirsch CS, et. al. Increase in Suicide by Asphyxiation in New York City After the Publication of Final Exit. N Engl J Med 1993; 329:1508-1510.

Curriculum Vitae

James L. Luke, M.D.

Address/ 4218 Silverwood Lane
Telephone Bethesda, Maryland 20816
 (301) 229-1010

Date of Birth August 29, 1932

Married Marcia Gene Alley, October 5, 1957

1. Education and Professional Training

College Yale University 1950-1952
 New Haven, Connecticut

Columbia University 1956 (B.S.)
 New York City, New York

Medical School School of Medicine 1960 (M.D.)
 Case-Western Reserve University
 Cleveland, Ohio

Internship Laboratory of Pathology 1960-1961
 Yale University School of Medicine
 Yale-New Haven Hospital
 New Haven, Connecticut

Residency Institute of Pathology 1961-1963
 University Hospitals and
 Case-Western Reserve University
 Cleveland, Ohio

Military Service Staff Researcher : 1963-1965
 Laboratory of Experimental Pathology
 National Institute of Arthritis and
 Metabolic Diseases
 National Institutes of Health
 Bethesda, Maryland
 (Surgeon, U.S. Public Health Service)

II. Employment

- 1965-1967 Associate Medical Examiner, City of New York,
Office of the Chief Medical Examiner
520 First Avenue
New York City, New York
- Assistant Professor
Department of Legal Medicine
New York University School of Medicine
- 1967-1971 Chief Medical Examiner*, State of Oklahoma
- Professor of Forensic Pathology
Department of Pathology
University of Oklahoma School of Medicine
Oklahoma City, Oklahoma
- Director, Forensic Pathology Residency
Training Program
- 1971-1983 Chief Medical Examiner*, District of Columbia
Office of the Chief Medical Examiner
19th Street and Massachusetts Avenue, S.E.
Washington, D.C. 20003
- Director, Forensic Pathology Residency
Training Program
- 1971-1986 Clinical Professor of Pathology
Medical Schools of Georgetown, George
Washington and Howard Universities
Washington, D.C.
- 1983-1986 Distinguished Scientist
Armed Forces Institute of Pathology
Washington, D.C. 20306
- 1987-1989 Chief Medical Examiner, State of Connecticut
Office of the Chief Medical Examiner
11 Shuttle Road
Farmington, Connecticut 06032
- Professor of Pathology, Professor of
Laboratory Medicine
School of Medicine
University of Connecticut Health Center
Farmington, Connecticut 06032

* As the first Chief Medical Examiner, planned and implemented medical examiner system

Present Director, AFIP Breast Implant Project
 Department of Environmental and Toxicologic
 Pathology
 Armed Forces Institute of Pathology
 Washington, D.C. 20306

 Forensic Pathologist
 Investigative Support Unit
 Federal Bureau of Investigation
 FBI Academy
 Quantico, Virginia 22135

 Security Clearance: Top Secret

 Clinical Professor of Pathology
 George Washington University School of
 Medicine

 Clinical Professor of Pathology
 Georgetown University School of Medicine

III. Certification/Associations

Specialty Boards: Diplomat, National Board of Medical
 Examiners (1961)

 Certified by the American Board of
 Pathology in Anatomic (1965) and
 Forensic (1967) Pathology

State Medical Licenses: Ohio, New York, California,
 Oklahoma, District of
 Columbia*, Connecticut

 *Active

Societies, Associations and Honors:
 (In Chronological Order)

*Chamberlain Greek Prize, Yale University (1950)

*American Academy of Forensic Sciences, Fellow (1965-Present)

*Physicians for Automotive Safety, Consultant (1965-1971)

*Law-Science Academy of America, Fellow (1966-1968)

*National Association of Medical Examiners, Member
 (1966-Present)

*Oklahoma County Medical Society, Member (1967-1971)

- *Oklahoma State Association of Pathologists, Member
(1967-1971)
- *American Society for Investigative Pathology
(formerly American Association of Pathologists, American
Association of Pathologists and Bacteriologists), Member
(1967-Present)
- *Chairman, Ad Hoc Committee on Forensic Pathology, Committee
on Pathology of the Division of Medical Sciences, National
Research Council (1968)
- *Distinguished Faculty Award - by the University of Oklahoma
School of Medicine Student Council (1968)
- *Medicolegal Committee, Oklahoma County Medical Society and
Oklahoma State Medical Association (1967-1971)
- *Committee on Training in Forensic Pathology, National
Institute of General Medical Sciences, National Institutes
of Health (1969)
- *Policy Committee, American Academy of Forensic Sciences
(1969-1973)
- *Executive Committee, National Association of Medical
Examiners (1970-1972)
- *Medical Advisory Board, National Sudden Infant Death
Syndrome Foundation (1972-1983)
- *Visiting Faculty, National Naval Medical Center, Naval
Medical Command, Bethesda, Maryland (1973-1987)
- *Criminal Justice Consultant, National Institute of Law
Enforcement and Criminal Justice, U.S. Department of
Justice (1974-1981)
- *Editorial Board, Journal of Forensic Sciences (1979-1993)
- *Board of Directors, National Association of Medical
Examiners (1982-1985)
- *Consultant on Forensic Pathology, National Cancer Institute,
National Institutes of Health, Bethesda, Maryland (1985-
1986)
- *Forensic Pathology Consultant to the Special Counsel
Appointed by the Mayor to Investigate the Office of the
Chief Medical Examiner of the City of New York (1985)

- *Consultant, National Coroner/Medical Examiner Data Surveillance System, Centers for Disease Control, U.S. Public Health Service (1987-Present)
- *Member, Forensic Sciences Operation and Planning Committee, FBI Academy (1987-Present)
- *Member, Program Committee, International Symposium on the Forensic Aspects of Mass Disasters and Crime Scene Reconstruction, FBI Academy (1989-1990)
- *Chairman, Task Group on the Office of the Chief Medical Examiner, Transition Committee on Human Services, Mayoral Transition Committee, District of Columbia (1990)
- *Board of Editors, American Journal of Forensic Medicine and Pathology (1992-Present)
- *Forensic Pathology Consultant to the United States General Accounting Office Review of the Human Remains Identification Process at the U.S. Army's Central Identification Laboratory in Hawaii (CILHI) (1992)
- *Associate Editor, Journal of Forensic Sciences (1992-Present)

IV. Major Presentations

1. Training and Education in Forensic Pathology.
Presented to the Committee on Pathology of the Division of Medical Sciences, National Research Council, National Academy of Sciences.
J. L. Luke, Chairman, Ad Hoc Committee on Forensic Pathology, Chicago, Illinois, November, 1968.
2. J. L. Luke. The Status of Forensic Pathology in the United States Today.
Submitted to the Pathology Training Committee of the National Institute of General Medical Sciences, National Institutes of Health, Bethesda, Maryland, March, 1969.
3. J. L. Luke. The State of the Art: Forensic Pathology.
Presented to the First Plenary Session of the American Academy of Forensic Sciences, Chicago, Illinois, February, 1970.
4. J. L. Luke. Some Considerations Regarding the Establishment of a Forensic Sciences Center for the State of Connecticut.
Presented to the Commission on Medicolegal Investigations of the State of Connecticut, Hartford, Connecticut, March, 1970.

5. J. L. Luke and Kurt M. Dubowski. Some Considerations Regarding the Establishment of an Institute of Forensic Medicine at the University of Oklahoma Medical Center. Presented to the Vice President for Medical Center Affairs, University of Oklahoma Medical Center, Oklahoma City, Oklahoma, September, 1970.
6. J. L. Luke. Some Considerations Relative to the Enhancement of Certain Aspects of the Criminal Justice System of the District of Columbia: A Proposal. Presented to the Mayor's Criminal Justice Coordinating Board and the Metropolitan Washington Council of Governments, Washington, D. C., January, 1972.
7. J. L. Luke. The Medical Examiners Office of the District of Columbia: Current Status and Goals. Presented to the Mayor's Criminal Justice Coordinating Board, Washington, D. C., January, 1972.
8. J. L. Luke. Introductory Remarks Relative to the Creation of an Institute/Center of Forensic Sciences for the District of Columbia. Presented at the Metropolitan Washington Council of Governments to the First Planning Session of the Institute, Washington, D. C., March, 1972.
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10. J. L. Luke. The Role of Forensic Pathology in the Criminal Justice System. Presented to the National Institute of Law Enforcement and Criminal Justice, Washington, D. C., March, 1973.
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International Symposium on the Forensic Aspects of Mass Disasters and Crime Scene Reconstruction, Forensic Science Research and Training Center, FBI Academy, Quantico, Virginia, June, 1990.
(Moderator, Plenary Session IV and Special Session on the Lockerbee, Scotland, Air Disaster).
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V. Publications

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19. J. L. Luke. Recovery of Intact Respiratory Epithelium from a Cloth Pillow Case Four Days Following Its Utilization as a Smothering Instrument. J. Forensic Sciences, 14: 398-401, 1969.
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22. C. S. Snow and J. L. Luke. The Oklahoma City Child Disappearances of 1967: Forensic Anthropology in the Identification of Skeletal Remains. J. Forensic Sciences, 15: 125-153, 1970.
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26. J. L. Luke. The Pathology, Diagnosis and Certain Medical-legal Aspects of Death by Homicidal Smothering in Adults. Legal Medicine Annual - 1971, Edited by Cyril H. Wecht, M.D., J.D., New York, Appleton-Century-Crofts, pp. 29-43, 1971.

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61. J. L. Luke. "Disadvantaged' Medical Examiner Systems. Some Thoughts on Maintaining Standards Worthy of the Public We Serve. Editorial, Am. J. Forensic Med. Pathol. In Press

CURRICULUM VITAE

PERSONAL:

Donald T. Reay 10800 12th N.W. Seattle, WA	Date of Birth: Place of Birth: Married: Judith	14 May 1937 Rock Springs, WY Children: 4
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EDUCATION:

Undergraduate:	University of Notre Dame South Bend, Indiana	Bachelor of Science 1955-1959
Medical Education:	University of Utah Salt Lake City, Utah	Doctor of Medicine 1959-1963
Internship:	University of Utah Salt Lake City, Utah	Med-Path Intern 1963-1964
Residency:	University of Utah & Holy Cross Hospital Salt Lake City, Utah	AP-CP Resident 1964-1967
Fellowship:	Cleveland Clinic Cleveland, Ohio	Forensic Pathology 1967-1968
Graduate:	Seattle University Seattle, Washington	Masters in Public Administration 1978

BOARD CERTIFICATION:

Anatomic and Clinical Pathology:	May 1969
Forensic Pathology:	May 1970

LICENSE TO PRACTICE:

Washington 1973

Previous Licensure: Utah, Wyoming

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MILITARY SERVICE:

Active Duty USAF	Lt. Col.	1968 to 1973
USA Reserve	Colonel	Commander 6250 Hospital Aug 1989 to Present
Active Duty USA		
11 Jan 91 to 12 Apr 91		Madigan Army Medical Center
Operation Desert Storm		

MEMBERSHIP IN MEDICAL AND SCIENTIFIC SOCIETIES:

American Society of Clinical Pathology (Fellow)
 American Academy of Forensic Science (Fellow)
 Washington Society of Pathologists
 National Association of Medical Examiners
 Pacific Northwest Society of Pathologists
 King County Medical Society
 Washington State Medical Association
 American Medical Association
 Canadian Society of Forensic Sciences
 College of American Pathology (Fellow)
 American Association of Military Surgeons
 International Wound Ballistics Association

OFFICES IN MEDICAL/SCIENTIFIC SOCIETIES:

Association of Military Surgeons of the United States:	
Editorial Board	Appointed 1991
Journal of Forensic Sciences: Editorial Board	Appointed 1990
National Association of Medical Examiners:	
a) President	(1987-1988)
b) Chairman, Board of Directors	(1988-1989)
c) Board of Directors & Executive Committee	(1981-1989)
d) Pro-Tem Secretary Treasurer	(1988-1989)
Washington State Society of Pathologists:	Past President (1981-1983)

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American Board of Pathology:
Forensic Test Committee (1981-1986)

Washington State Medical Association: Interspecialty Committee
Past Member

American Journal of Forensic Medicine & Pathology:
Editorial Board (1980-1989)

American Society of Clinical Pathologists:
Forensic Council - Continuing Medical Education Committee
(1984 to 1990)

American Society of Clinical Pathologists:
Committee - In-service Examination for AP Residents
(1984)

COMMITTEE AND PUBLIC POLICY BOARDS:

DNA Fingerprinting Technical Advisory Committee Chairman, King County,
1988

DNA Identification Oversight Committee, (Appointed by Governor), 1989

Governor's Death Investigation Council, January 1984, Chairman - 1986 to
present

Forensic Committee, College of American Pathologists 1989 - Present

King County Executive's Committee to study use of force in detention facilities
December 1983

Mayor's Committee on drunk drivers - August 1983 - 1984

Corrections Standard Board Advisor, Olympia, Washington - 1981

Washington State Medical Association Committee on drunk driving - 1983

Executive Committee, King County Medical Society - Anti-Drinking and
Driving Committee - 1985

Recombinant DNA Committee, University of Washington - 1985 - 1986

Serial Murder Multi-Agency Investigation Team Project - Texas Criminal
Justice Center - Sam Houston State University 1986

Donald T. Reay, M.D.

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Executive Committee, Harborview Injury Prevention Center June 1986 to
present

MAJOR POSITIONS:

Chief Medical Examiner King County, Seattle, Washington	1 Nov 1975 to present
Deputy Chief Medical Examiner King County, Seattle, Washington	17 Dec 1973 to 1 Nov 1975
Chief, Department of Pathology USAF Academy USAF Academy Hospital	15 Jul 1972 to 15 Dec 1973
Senior Specialist in Histopathology RAF Institute of Pathology and Tropical Medicine	RAF Halton Bucks, Eng. 15 Jul 1970 to 1 Jul 1972
Chief, Accident Pathology Branch Armed Forces Institute of Pathology, Wash, DC and Registrar, Registry of Accident Pathology	Aug 1968 to 15 Jul 1970

ACADEMIC - RESEARCH - OTHER POSITIONS:

Professor of Pathology, University of Washington, Seattle, Washington	1 Jul 1991 to present
Associate Professor of Pathology, University of Washington, Seattle, Washington	1 Jul 1983 to present
Assistant Professor of Pathology, University of Washington, Seattle, Washington	1 Mar 1974 to 1 Jan 1983
Clinical Faculty, School of Health Sciences of Seattle Pacific University, Seattle, Washington	1 Jun 1979 to 1 Jun 1980
Course Director, Annual Death Investigation Seminar University of Washington, Seattle, Washington	Biennial
Police Instructor, Police Standards Council, Sitka, Alaska	May 1978 to May 1982

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Instructor, Criminal Justice Training Commission, State of Washington	1978 to present
Instructor, Washington State Patrol Academy, Shelton, Washington	1980 to present
Lecturer in Forensic Medicine, USAF Academy Colorado	Jul 1972 to Dec 1973
AFIP Consultant, National Highway Safety Bureau Dept. of Transportation, Washington, DC	Oct 1970 to 15 Jul 1973
Universities Associated for Research Scientist and Education in Pathology, AFIP Associate	1 Jan 1969 to 15 Jul 1970
Skylab Medical Recovery Team, Missions III & IV, NASA-USAF	1972 - 1973
Member, NATO Committee on Traffic Safety Wolfsberg, Germany	Sep 1968

PUBLICATIONS:

- Reay, D.T., Weissman, N., and Carnes, W.H.: Effects of elastase digestion and formic acid extraction on aortas from copper-deficient pigs, Fed. Proc. 22:161, 1963
- Weisman, N., Reay, D.T., Coulson, W.F. and Carnes, W.H.: Elastin content of aorta determined by elastase digestion and formic acid extraction, Lab. Invest. 14:372, 1965
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- Reay, D.T.: Case for diagnosis (traumatic pneumocephalus) Milit. Med. 134:359, 1969
- Reay, D.T. and Hazelwood, R.: Death in military police custody and confinement, Milit. Med. 135:342, 1970
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- Wales, L.R., Morishima, M.S., Reay, D.T., and Johansen, K.: Nasogastric tube displacement in acute traumatic rupture of thoracic aorta: A study in victims in fatal motor vehicle accidents, Am. J. Roentgen., May 1982
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- Reay, D.T. and Eisele, J.W.: Deaths from law enforcement neck holds, Am. J. For. Med. & Path., 3:253-258, September 1982
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- Eisele, J.W., Bonnell, H.J., and Reay, D.T.: Boot top fractures in pedestrians: A forensic masquerade, Am. J. For. Med. & Path., 4:181-184, June 1983

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- Eisele, J.W., Frisino, J.D., Haglund, W.D. and Reay, D.T.: Teenage suicide in King County, King County Med. Soc. Bull., 63:24-25, May 1984
- Reay, D.T., Eisele, J.W., Ward, R., Horton, W., and Bonnell, H.J.: A procedure for the investigation of anesthetic/surgical deaths. J. For. Sci., 30:-822-827, July 1985
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- Haglund, W.D., Reay, D.T., & Fligner, C.L.: Death Notification. Am. J. For. Med. & Path., 11(4): 342-347, 1990.
- Kellermann, A.L., Rivara, F.P., Banton, J., Reay, D.T., Fligner, C.L.: Validating Survey Responses to Questions About Gun Ownership Among Owners of Registered Handguns. Am. J. Epidemiol., 131:1080-4, 1990.
- Loebel, J.P., Reay, D.T., et al: Anticipation of Nursing Home Placement May be a Precipitant of Suicide among the Elderly. JAGS, 39:407-408, 1991.
- Haglund, W.D. & Reay, D.T.: Use of Facial Approximation Techniques in Identification of Green River Serial Murder Victims. Am. J. For. Med. & Path., 12(2): 132-142, 1991.
- Reay, D.T., Fligner, C.L., Stilwell, A.D., & Arnold, J.: Positional Asphyxia During Law Enforcement Transport. Am. J. For. Med. & Path., 13(2):90-97, 1992.

- Luke, J.L. & Reay, D.T.: The Perils of Investigating and Certifying Deaths in Police Custody. Am. J. For. Med. & Path., 13(2):98-100, 1992.
- Kellermann, M.D., Rivara, F.P., Somes, G, Reay, D.T., Francisco, J., Banton, J.G., Prodzinski, Fligner, C.L., & Hackman, B.B.: Suicide in the Home in Relation to Gun Ownership. NEJM, 327(7):467-472, 1992.
- Michaud, M.D., Rivara, F.P., Grady, M.S., & Reay, D.T.: Predictors of Survival and Severity of Disability after Severe Brain Injury in Children. Neurosurgery, Vol 31, No 2. August, 1992
- Haglund, W.D. & Reay, D.T.: Problems of Recovering Partial Human Remains at Different Times and Locations: Concerns for Death Investigators. J. For. Sci., Vol 38, No 1. January, 1993
- Kellermann, A.L., Rivara, F.P., Rushforth, N.B., Banton, J.G., Reay, D.T., et al: Gun Ownership as a Risk Factor for Homicide in the Home. NEJM, Vol 329, No 15. October, 1993
- Reay, D.T., Cohen, W., & Ames, S.: Injuries Produced by Judicial Hanging: A Case Report. Am. J. For. Med. & Path., Accepted for publication.

CURRICULUM VITAE

CHARLES J. STAHL, III, M.D.

PERSONAL INFORMATION

Date of Birth: 5 August 1930

Place of Birth: Philadelphia, Pennsylvania

Marital Status: Married - 20 November 1954
Ellen Baran Stahl

Children: Charles - 28 June 1957
Marcia - 5 October 1959
Kim - 5 April 1963

Home Address: 14105 Flint Rock Road
Rockville, Maryland 20853-2654

Office Address: The Armed Forces Medical Examiner
Armed Forces Institute of Pathology
Washington, DC 20306-6000

Social Security
Number: 175-24-6264

EDUCATION

1944 - 1948 Souderton High School
Souderton, Pennsylvania

1948 - 1952 Ursinus College
Collegeville, Pennsylvania

1952 - 1956 The Jefferson Medical College
Philadelphia, Pennsylvania

Doctor of Medicine - 1956

1956 - 1957 U.S. Naval Hospital
Philadelphia, Pennsylvania

Rotating General Internship

1957 - 1961	U.S. Naval Hospital Philadelphia, Pennsylvania
	Residency in Anatomic and Clinical Pathology
1962 - 1963	Armed Forces Institute of Pathology Washington, D.C.
	Residency in Forensic Pathology

MEDICAL LICENSURE

Commonwealth of Pennsylvania, Certificate No. MD-025879-L,
9 September 1957

State of New Jersey, Certificate No. 16837, 14 January 1959

State of Maryland, Certificate No. D10468, 16 November 1962

State of Tennessee, Certificate No. MD 12723, 10 July 1980

SPECIALTY CERTIFICATION, THE AMERICAN BOARD OF PATHOLOGY:

Anatomic and Clinical Pathology, 9 October 1961

Forensic Pathology, 2 April 1964

CONTINUING PROFESSIONAL EDUCATION:

- 1957 - 1962 Five day courses in continuing education for pathologists at the Armed Forces Institute of Pathology, Washington, D.C., as follows:
- | | |
|----------------------|-----------------------------|
| Forensic Pathology | Oral Pathology |
| Research Pathology | Histochemistry |
| Ophthalmic Pathology | Forensic Sciences Symposium |
- 1961 Radiation Control Course
Disaster Recovery Training Division
Naval Air Material Center
Philadelphia, Pennsylvania
- 1966 Federal Bureau of Narcotics Training School
Department of the Treasury
Washington, D.C.
- 1968 American Society of Clinical Pathologists
Miami, Florida:
Forensic Pathology Seminar
Clinical, Epidemiological and Forensic Aspects
of Pesticide Poisonings
- 1970 Advanced Ballistics Workshop for Medical Examiners,
University of Texas Southwestern Medical School
and Dallas County Medical Examiner's Office,
Dallas, Texas
- 1971 Command and Staff Seminar conducted for Bureau of
Medicine and Surgery, Department of the Navy, by
Naval Medical School and Naval School of Health Care
Administration, Warrenton, Virginia
- 1971 Professional Administration Development Seminar,
Phase I, Part A, conducted for College of American
Pathologists by the Management Education and Research
Division of BRET, Inc. at Boston, Massachusetts
- 1971 Applied Management Conference - Eight Steps Towards
Excellence, conducted at Armed Forces Institute of
Pathology, Washington, D.C. in conjunction with
Applied Management Science, Inc.
- 1972 Forensic Sciences Symposium, Armed Forces Institute
of Pathology, Washington, D.C.
- 1974 Ballistic Workshop conducted at the Southwestern
Institute of Forensic Sciences, Dallas, Texas
- 1974 Personnel Management for Executives, conducted by
Army Regional Training Center, DC-VA-MD Region at
Pikesville, Maryland, 13-22 March 1974

- 1975 Neuropathology, Postgraduate Course in Continuing Education, Armed Forces Institute of Pathology, Washington, D.C., 27-31 January 1975
- 1975 The Senior Line Manager Institute, Office of Civilian Manpower Management, Washington, D.C. 8-12 December 1975
- 1977 USAF Clinical Laboratory Symposium, Course Number 50Z0-9300-2, Williamsburg, Virginia, 4-6 October 1977
- 1977 Gynecologic Pathology, Postgraduate Course in Continuing Education, Armed Forces Institute of Pathology, Washington, D.C., 1-4 November 1977
- 1978 Army Medical Department Pathology Symposium, Fitzsimons Army Medical Center, Denver, Colorado, 18-19 April 1978
- 1978 College of American Pathologists, Laboratory Improvement Seminar, Denver, Colorado, 20 April 1978
- 1978 Perspectives in Management Seminar, National Naval Medical Center, Bethesda, Maryland, 14 June 1978
- 1978 USAF Clinical Laboratory Symposium, Course Number J50Z0-9300-2, Seattle, Washington, 9-11 October 1978
- 1978 Pediatric Pathology, Armed Forces Institute of Pathology, Washington, D.C., 30 October - 2 November 1978
- 1979 Forensic Sciences Foundation Continuing Medical Education Program in Forensic Pathology, Annual Meeting of the American Academy of Forensic Sciences, Atlanta, Georgia, 14-16 February 1979
- 1979 Gynecologic Pathology, Joint Annual Meeting of the Maryland and Washington Societies of Pathologists, 29 September 1979
- 1979 USAF Clinical Laboratory Symposium, Course Number 50Z09300-2, San Antonio, Texas, 16-18 October 1979
- 1980 Forensic Sciences Foundation Continuing Medical Education Program in Forensic Pathology, Annual Meeting of the American Academy of Forensic Sciences, New Orleans, Louisiana, 21-23 February 1980
- 1980 Continuing Medical Education Program, National Association of Medical Examiners, New Orleans, Louisiana, 20 February 1980
- 1980 20th Annual AFIP Lectures, Armed Forces Institute of Pathology, Washington, D.C., 27-29 May 1980

- 1980 Seminar in Surgical Pathology Problems of the ENT Area, Armed Forces Institute of Pathology, Washington D.C., 30 May 1980
- 1980 Seminar in the Histopathologic Diagnosis of Infectious Diseases, Armed Forces Institute of Pathology, Washington, D.C., 30 May 1980
- 1981 Continuing Medical Education Program, National Association of Medical Examiners, Los Angeles, California, 17 February 1981
- 1981 Forensic Sciences Foundation Continuing Medical Education Program, Annual Meeting of the American Academy of Forensic Sciences, Los Angeles, California, 18-20 February 1981
- 1982 Continuing Medical Education Program, National Association of Medical Examiners, Kissimmee, Florida, 8 February 1982
- 1982 Forensic Sciences Foundation Continuing Medical Education Program, Annual Meeting of the American Academy of Forensic Sciences, Kissimmee, Florida, 9-12 February 1982
- 1982 Laboratory Information: Managing for Productivity, Southeastern Regional Medical Education Center, Birmingham, Alabama, 5-6 May 1982
- 1982 Seminar in Laboratory Medicine, Veterans Administration Medical Center, Mountain Home, Tennessee, 16 July 1982
- 1983 Seminar on Forensic Medicine, Quillen-Dishner College of Medicine, East Tennessee State University, Johnson City, Tennessee, 21 January 1983
- 1983 Continuing Medical Education Program, National Association of Medical Examiners, Cincinnati, Ohio, 15 February 1983
- 1983 Forensic Sciences Foundation Continuing Medical Education Program, Annual Meeting of the American Academy of Forensic Sciences, Cincinnati, Ohio, 16-19 February 1983
- 1983 Armed Forces Institute of Pathology Advanced Forensic Pathology Course, FBI Academy, Quantico, Virginia, 25-29 April 1983
- 1983 50th Annual Anatomic Pathology Slide Seminar, American Society of Clinical Pathologists, St. Louis, MO, 20-21 October 1983
- 1983 Continuing Medical Education Program, Annual Meeting of National Association of Medical Examiners, Williamsburg, Virginia, 14-17 November 1983

- 1984 Continuing Medical Education Program, Interim Meeting of National Association of Medical Examiners, Anaheim, CA, 21 February 1984
- 1984 Continuing Medical Education Program, Annual Meeting of the American Academy of Forensic Sciences, Anaheim, CA 22-25 February 1984
- 1984 24th International Conference on Legal Medicine, American College of Legal Medicine, Scottsdale, AZ, 10-13 May 1984
- 1984 Seminar on the Investigation of Sex Crimes, Quillen-Dishner College of Medicine, East Tennessee State University, Johnson City, TN, 18 May 1984
- 1984 Workshop: Conducting Research in Medical Education, Quillen-Dishner College of Medicine, East Tennessee State University, Johnson City, TN, 23 May 1984
- 1984 Spring Meeting, Southeastern Chapter, Society of Toxicology, Quillen-Dishner College of Medicine, East Tennessee State University, Johnson City, TN, 1 June 1984
- 1984 First Tennessee Regional Sudden Infant Death Syndrome Community Conference, East Tennessee State University, Johnson City, TN, 7 June 1984
- 1984 Loss Prevention Seminar, State Volunteer Mutual Insurance Company, East Tennessee State University, Johnson City, TN, 17 October 1984
- 1984 The Growing Role of Law in the Practice of Medicine, American College of Legal Medicine Seminar at Annual Meeting of the Association of American Medical Colleges, Chicago, IL, 31 October - 1 November 1984
- 1985 Continuing Medical Education Program, 37th Annual Meeting of the American Academy of Forensic Sciences, Las Vegas, NV, 13-16 February 1985
- 1985 Legal Medicine, Quillen-Dishner College of Medicine, East Tennessee State University, Johnson City, TN, 5 December 1985
- 1986 Continuing Medical Education Program, Trauma in the Living, Interim Meeting, National Association of Medical Examiners, New Orleans, LA, 11 February 1986
- 1986 Continuing Medical Education Program, Annual Meeting of the American Academy of Forensic Sciences, New Orleans, LA, 12-15 February 1986

- 1986 The Role of the Chief of Staff in a Changing VA Health
Care Environment, North Central Regional Medical
Education Center, Ann Arbor, MI, 9-11 September 1986
- 1986 Strategic Planning: Developing Interdependent Relationships,
Veterans Administration Medical Center,
Dayton, OH, 23-24 September 1986
- 1986 Continuing Medical Education Program, Annual Meeting,
National Association of Medical Examiners, Tuscon, AZ,
18-22 November 1986
- 1987 Ethical Standards, Liability, and Informed Consent, USAF
Medical Center, Wright-Patterson Air Force Base, OH,
30 January 1987 .
- 1987 Continuing Medical Education Program, Interim Meeting,
National Association of Medical Examiners,
San Diego, CA, 17 February 1987
- 1987 Continuing Medical Education Program, Annual Meeting,
American Academy of Forensic Sciences,
San Diego, CA, 18-21 February 1987
- 1987 Maximizing Facility Operations through Use of Planning,
Resource Allocation Methodology, and Staffing,
South Central Regional Medical Education Center,
Norfolk, VA, 17-19 March 1987
- 1987 Liaison Conference, Mid-Atlantic Regional Medical
Education Center, Williamsburg, VA, 16-19 June 1987
- 1987 Annual Meeting, National Association of Medical Examiners,
San Francisco, CA, 18-23 September 1987
- 1987 Dynamic Partnership for the Future, National Conference
of Directors and Chiefs of Staff, Washington, DC,
5-8 November 1987
- 1988 Interim Meeting, National Association of Medical Examiners,
Philadelphia, PA, 16 February 1988
- 1988 Annual Meeting, American Academy of Forensic Sciences,
Philadelphia, PA, 17-20 February 1988
- 1988 Hospital/Medical Staff Credentialling and Privileging,
Mid-Atlantic Regional Medical Education Center,
Columbus, OH, 15 March 1988

- 1988 Quality Health Care Management, Seventh Annual
Executive Forum, Veterans Administration
Medical Center Chillicothe, OH, 13 April 1988
- 1988 Multidisciplinary Research in Health Care Fields,
Second Annual Research Seminar, Veterans Administration
Medical Center, Dayton, OH 13 May 1988
- 1988 The Impact of DRG's on Health Care Delivery,
Mid-Atlantic Regional Medical Education Center,
Columbus, OH, 19 May 1988
- 1988 Mentor Training Seminar, Mid-Level
Management Training Center, Williamsburg
VA, 23-26 August 1988
- 1988 Executive Information Through DHCP
Mid-Atlantic Regional Medical Education Center
Brecksville, OH
30 August - 1 September 1988
- 1988 Strategic Planning Retreat
Veterans Administration Medical Center
Dayton, OH 45428
20-21 September 1988
- 1988 Continuing Medical Education Program, Annual Meeting,
National Association of Medical Examiners
Boston, MA
4-9 November 1988
- 1988 VA Senior Management Conference
Chicago, IL
15-17 November 1988
- 1988 Human Relations Training
Veterans Administration Medical Center
Dayton, OH
30 November 1988
- 1989 Interim Meeting, National Association of Medical Examiners,
Las Vegas, NV
14 February 1989
- 1989 Annual Meeting, American Academy of Forensic Sciences, Las
Vegas, NV
15-18 February 1989

- 1989 Monitoring and Evaluating Clinical Practice, VA Region
4 and Cleveland Regional Medical Education Center,
Indianapolis, IN
5 April 1989

- 1989 Interagency Institute for Federal Health Care Executives,
The George Washington University, Washington, D.C.
30 May 1989 - 9 June 1989

- 1989 Executive Liaison Conference, Cleveland Regional Medical
Education Center, Brecksville, OH
20-23 June 1989

- 1989 Physician Executive Leadership Program I,
Cleveland Regional Medical Education Center
Cleveland, OH
25-28 September 1989

- 1989 Continuing Medical Education Program, Annual Meeting
National Association of Medical Examiners
Sanibel Island, FL
13-18 October 1989

- 1989 Strategic Planning Retreat, Total Quality Management
VA Medical Center, Dayton, OH
19-20 October 1989

- 1989 VA Senior Management Conference
Washington, D.C.
31 October 1989 - 2 November 1989

- 1990 Interim Meeting, National Association of Medical
Examiners
Cincinnati, OH
20 February 1990

- 1990 Continuing Medical Education Program
American Academy of Forensic Sciences
Cincinnati, OH
21-23 February 1990

- 1990 Managing for Quality: Integration and Motivation
Cleveland Regional Medical Education Center
Chicago, IL
3-4 April 1990

- 1990 Physician Executive Leadership Program II
Cleveland Regional Medical Education Center
Cleveland, OH
9-12 July 1990

- 1990 Continuing Medical Education Program
National Association of Medical Examiners
Denver CO
14-16 September 1990

- 1991 Interim Meeting, National Association of
Medical Examiners
Anaheim , CA
19 February 1991

- 1991 Continuing Medical Education Program
American Academy of Forensic Sciences
Anaheim, CA
20-22 February 1991

- 1991 Fourth Annual Conference on Federal
Quality Improvement
Washington, D.C.
29-31 May 1991

- 1991 Continuing Medical Education Program
National Association of Medical Examiners
Honolulu, Hawaii
22-27 September 1991

- 1991 VA Senior Management Conference
Washington, D.C.
12-13 November 1991

- 1992 Continuing Medical Education Program
American Academy of Forensic Sciences
New Orleans, LA
19-21 February 1992

- 1992 Interim Meeting, National Association of
Medical Examiners
New Orleans, LA
18 February 1992

- 1992 Joint Commission on Accreditation of
Healthcare Organizations Update
Reno, NV
14-16 April 1992

- 1992 First Annual DNA Course
 Armed Forces Institute of Pathology
 Bethesda, MD
 15-16 May 1992
- 1992 Continuing Medical Education Program
 National Association of Medical Examiners
 Milwaukee, WI
 19-23 September 1992

PROFESSIONAL AWARDS:

The C.V. Mosby Award for Scholastic Excellence, 15 June 1956.

Certificate of Recognition for Outstanding Contribution to Medicolegal Investigation, Department of Medical Examiner-Coroner, County of Los Angeles, California, 10 October 1968.

Certificate of Appreciation for Outstanding Contributions to the Programs of the International Police Academy, Office of Public Safety, Agency for International Development, Department of State, 24 November 1971.

Physician's Recognition Award, American Medical Association, 1972.

Certificate of Appreciation, National Association of Underwater Instructors, 8 April 1972.

Honorary Fellow, American College of Legal Medicine, 10 May 1974.

Honorary Membership, Hollywood Academy of Medicine, 13 June 1974.

Certificate of Appreciation in Recognition of Outstanding Service, Commission on Continuing Education, American Society of Clinical Pathologists, 1968-1969.

Certificate of Recognition of Achievement as Member, Council on Forensic Pathology, Commission on Continuing Education, American Society of Clinical Pathologists, 1969-1974.

Award by the American Academy of Forensic Sciences for professional and literary contributions as Editor of the Journal of Forensic Sciences, 1972-1974, and for continuing efforts in advancing the cause of the Forensic Sciences, 20 February 1975.

Physician's Recognition Award, American Medical Association, 1974-1977 (Valid to June 30, 1977).

1974 American Society of Clinical Pathologists - College of American Pathologists Pathology Continuing Medical Education Certificate (Valid to June 30, 1977).

Certificate of Distinguished Service, Armed Forces Institute of Pathology, 15 April 1975.

Certificate of Appreciation for Extraordinary Service, Office of Special Investigations, United States Air Force, 14 April 1975.

Certificate of Appreciation from The American Board of Pathology for Service on the Test Committee for Forensic Pathology, 31 December 1975.

Physician's Recognition Award, American Medical Association, 1978-1981 (Valid to 1 October 1981).

The Pathology Continuing Medical Education Award of the American Society of Clinical Pathologists, College of American Pathologists, International Academy of Pathology and the Intersociety Pathology Council, 1978-1981 (Valid to 1 October 1981).

Certificate of Merit from the Surgeon General of the Navy, 1 October 1980.

Physician's Recognition Award, American Medical Association, 1982-1985 (Valid to 1 January 1985).

The Pathology Continuing Medical Education Award of the American Society of Clinical Pathologists, College of American Pathologists, International Academy of Pathology, and Intersociety Pathology Council, 1982-1985 (Valid to 1 January 1985).

Medical Center Director's Commendation, Veterans Administration Medical Center, Mountain Home, Tennessee, October 1982.

Medical Center Director's Commendation, Veterans Administration Medical Center, Mountain Home, Tennessee, June 1983.

Physician's Recognition Award, American Medical Association (Valid until 1 March 1988).

The Pathology Continuing Medical Education Award of the American Society of Clinical Pathologists, College of American Pathologists, International Academy of Pathology, and Intersociety Pathology Council, 1 March 1984 to 1 March 1988.

Commendation for Outstanding Contributions to the City of Johnson City by Resolution of the Mayor on behalf of the Board of Commissioners and the City of Johnson City, Tennessee, 18 July 1985.

Honorary Captain, Johnson City Police Department, Johnson City, Tennessee, 18 July 1985.

The Pathology Continuing Medical Education Award of the American Society of Clinical Pathologists, College of American Pathologists, International Academy of Pathology, and Intersociety Pathology Council, 1 July 1988 - 1 July 1991.

Physician's Recognition Award, American Medical Association, Valid 1 August 1988 - 1 July 1991.

The Commission on Continuing Education Commissioners' Medal, American Society of Clinical Pathologists, Chicago, Illinois, August, 1989.

Resolution by Executive Committee, Wright State University School of Medicine, Dayton, Ohio, for Exceptional Service to the School of Medicine, 14 March 1991.

Department of Veterans Affairs Distinguished Career Award, Washington, DC, August 1992.

COMMISSIONS AS NAVAL OFFICER:

Ensign, U.S. Naval Reserve, 1135 and 1995, effective 15 September 1953.

Ensign, U.S. Naval Reserve, 1995, called to active duty in Senior Medical Student Program, effective 17 November 1955.

Lieutenant Junior Grade, Medical Corps, U.S. Naval Reserve, 2105, effective 15 December 1954.

Lieutenant, Medical Corps, U.S. Naval Reserve, 2105, effective 1 September 1956.

Lieutenant, Medical Corps, U.S. Navy, 2100, effective 15 February 1957.

Lieutenant Commander, Medical Corps, U.S. Navy, 2100, effective 1 July 1962.

Commander, Medical Corps, U.S. Navy, 2100, effective 1 October 1966.

Captain, Medical Corps, U.S. Navy, 2100, effective 15 June 1971, to rank from 1 July 1970.

Captain, Medical Corps, U.S. Navy, Retired, effective 1 October 1980.

MILITARY DECORATIONS AND AWARDS:

Legion of Merit

Joint Service Commendation Medal

Navy Unit Commendation

Air Force Outstanding Unit Award

National Defense Service Medal with Star

MILITARY STAFF ASSIGNMENTS:

Assistant Pathologist, U.S. Naval Hospital, Philadelphia, Pennsylvania, 1961 - 1962.

Chief of Laboratory Service, U.S. Naval Hospital, Guam, 1963 - 1965.

Chief, Forensic Pathology Branch, Military Environmental Pathology Division, Armed Forces Institute of Pathology, Washington, D.C., 1965 - 1970.

Assistant Chief, Military Environmental Pathology Division, Armed Forces Institute of Pathology, Washington, D.C., 1967 - 1970.

Chief, Marine Biopathology Branch, Armed Forces Institute of Pathology, Washington, D.C., 1967 - 1972.

Registrar, Registry of Forensic Pathology, American Registry of Pathology, Armed Forces Institute of Pathology, Washington, D.C., 1965 - 1975.

Acting Chief, Military Environmental Pathology Division and Acting Chief, Wound Ballistics Pathology Branch, Armed Forces Institute of Pathology, Washington, D.C., 4 May 1966 - 20 July 1966; 15 July 1968 - 23 August 1968; 7 July 1969 - 8 August 1969.

Acting Chief, Accident Pathology Branch, Armed Forces Institute of Pathology, Washington, D.C., 2 July 1968 - 31 December 1968; 14 July 1970 - 14 October 1970.

Acting Registrar, Registry of Accident Pathology, American Registry of Pathology, Armed Forces Institute of Pathology, Washington, D.C., 10 July 1970 - 4 January 1971.

Acting Transportation Officer, Walter Reed Army Medical Center, Washington, D.C., 5 May 1970 - 15 April 1975.

Acting Chief, Military Environmental Pathology Division, Armed Forces Institute of Pathology, Washington, D.C., 31 July 1970 - 1 September 1970.

Chief, Military Environmental Pathology Division, Armed Forces Institute of Pathology, Washington, D.C., 1 August 1972 - 31 August 1974.

Chairman, Department of Forensic Sciences, Armed Forces Institute of Pathology, Washington, D.C., 1 September 1974 - 15 April 1975.

Chairman, Department of Laboratory Medicine, National Naval Medical Center, 28 April 1975 - 31 July 1980.

Acting Director of Clinical Services, National Naval Medical Center, Bethesda, MD, 23-28 January 1978; 24-29 July 1978.

Acting Commanding Officer, National Naval Medical Center, Bethesda, MD, 12-15 July 1978.

Acting Director of Clinical Services, National Naval Medical Center, Bethesda, MD, 27 February - 9 March 1979; 25 June - 8 July 1979; 27 August - 6 September 1979; 15-21 September 1979.

Acting Commanding Officer, National Naval Medical Center, Bethesda, MD, 29 February - 1 March 1980.

Acting Director of Clinical Services, National Naval Medical Center, Bethesda, MD, 24 December 1979 - 4 January 1980; 2-8 March 1980.

VETERANS ADMINISTRATION STAFF ASSIGNMENTS:

Chief, Laboratory Service, Veterans Administration Medical Center, Mountain Home, Tennessee, 1 October 1980 - 30 June 1983.

Acting Chief of Staff, Veterans Administration Medical Center, Mountain Home, Tennessee, 21-25 September 1981; 3-5 November 1981; 14-17 May 1982, 11 June 1982; 12-16 July 1982; 23-24 September 1982; 13-15 April 1983.

DEPARTMENT OF HEALTH AND ENVIRONMENT, STATE OF TENNESSEE

Assistant Chief Medical Examiner, Office of the Chief Medical Examiner, Department of Health and Environment, State of Tennessee, 2 September 1983 - 29 June 1986.

Member, Ad Hoc Committee for Inspection and Accreditation, Office of the Chief Medical Examiner, Department of Health and Environment, State of Tennessee, 2 September 1983 - 29 June, 1986.

VETERANS ADMINISTRATION MEDICAL CENTER, DAYTON, OHIO

Chief of Staff, Veterans Administration Medical Center, Dayton, Ohio, 29 June 1986 - 6 April 1991.

Acting Director, Veterans Administration Medical Center, Dayton, OH, 19-23 December 1986; 3 August 1987; 26-27 August 1987; 24-25 September 1987; 1 October 1987; 14 October 1987; 24 October - 2 November 1987; 19 November 1987; 16-24 January 1988; 24 April 1989; 16-17 May 1989; 19 May 1989; 19-21 July 1989; 30-31 August 1989; 20-23 September 1989; 7-8 November 1989; 25 and 29 June 1990.

DEPARTMENT OF VETERANS AFFAIRS, WASHINGTON, D.C.

Deputy Medical Inspector, Veterans Health Administration, Department of Veterans Affairs, Washington, D.C., 7 April 1991 - 31 August 1991

Retired from Department of Veterans Affairs, Washington, DC, 31 August 1992.

ARMED FORCES INSTITUTE OF PATHOLOGY. WASHINGTON. D.C.

Distinguished Scientist, American Registry of Pathology and the Armed Forces Medical Examiner, Armed Forces Institute of Pathology, Washington, D.C., 1 October 1992 -

Member, Graduate Medical Education Committee, Armed Forces Institute of Pathology, 1 November 1992 -

Co-Director, Residency Program in Forensic Pathology, Office of the Armed Forces Medical Examiner, Armed Forces Institute of Pathology, 1 October 1992 -

Member, Department of Defense Forensic Science Advisory Committee, 1 October 1992 -

SPECIAL DUTIES AND COMMITTEES RELATED TO MILITARY ASSIGNMENTS:

Alternate Medical Officer, Radiation Control Team, Fourth Naval District, Philadelphia, Pennsylvania, 1961-1962.

Associate Pathologist, Office of the Chief Medical Examiner, State of Maryland, 1962-1963.

Approved Pathologist, Office of the Chief Medical Examiner, State of Maryland, Montgomery County, 1962-1963.

Deputy Medical Examiner, Government of Guam, 1963-1965.

Project Officer, A Pilot Study of Drug Excretion in the Urines of Military Separates, for Assistant Secretary of Defense (Health and Environment), 18 January 1971 - 5 April 1971.

Chairman, Ad Hoc Committee, to coordinate development of Master of Science degree program between George Washington University and Armed Forces Institute of Pathology, 15 September 1971 - 3 May 1972.

Member, Faculty Advisory Committee, to provide continuous liaison with representatives from the Department of Forensic Sciences, The George Washington University for the Master of Science in Forensic Science and/or Forensic Pathology Degree Programs, 15 May 1972 - 15 April 1975.

Member, Long Range Planning Council, Armed Forces Institute of Pathology, Washington, D.C., effective 9 January 1974.

Chairman, Medical Library Committee, National Naval Medical Center, Bethesda, MD, 13 May 1975 - 31 July 1980.

Chairman, Blood Transfusion Review Committee, National Naval Medical Center, Bethesda, MD, 3 June 1975 - 31 July 1980.

Member, Medical Isotopes Committee, National Naval Medical Center, Bethesda, MD, 27 May 1975 - 1976.

Member, Interagency Committee on Laboratory Medicine, 1975-1980.

Member, Graduate Education Committee, National Naval Medical Center, Bethesda, MD, 27 May 1975 - 31 July 1980.

Member, Executive Council of the Graduate Education Committee, National Naval Medical Center, Bethesda, MD, 1 August 1975 - 31 July 1978.

Member, Ad Hoc Search Committee for Chairperson, Department of Pathology, Uniformed Services University of the Health Sciences, 1975-1976.

Chairman, Laboratory Equipment Replacement Program, Bureau of Medicine and Surgery, Washington, D.C., 4 September 1975 - 31 July 1980.

Functional Representative of Bureau of Medicine and Surgery for Clinical Laboratory Matters, Tri-Service Medical Information System (TRIMIS) Program, 17 December 1975 - 31 July 1980.

Chairman, Specialty Advisory Committee on Pathology, 1976.

Member, Tumor Board, National Naval Medical Center, Bethesda, MD, 1976-1977.

Member, Credentials Committee, National Naval Medical Center, Bethesda, MD, 1976-1980.

Chairman, Medical Laboratory Sciences Training Programs Task Group for Medical-Dental Training Committee, Interservice Training Review Organization, 1977-1978.

Chairman, Ad Hoc Committee on Throat Culture Contact Reporting, National Naval Medical Center, Bethesda, MD, 1978.

Chairman, Command Redevelopment Advisory Council, National Naval Medical Center, Bethesda, MD, 1978-1979.

Chairman, Ad Hoc Committee on Preadmission Testing, National Naval Medical Center, Bethesda, MD, 1979-1980.

Member, Medical Corps Selection Board, Department of the Navy, 11-22 June 1979.

Member, Executive Council of the Graduate Education Committee, National Naval Medical Center, Bethesda, MD, 1 September 1979 - 31 August 1980.

Representative of the Bureau of Medicine and Surgery to the Subcommittee of Pathology and Laboratory Medicine, Federal Health Resources Sharing Committee, 15 August 1979 - 31 July 1980.

Chairman, Specialty Advisory Committee on Pathology, 1979.

Chairman, Ad Hoc Committee for Ward Medical Officer, National Naval Medical Center, Bethesda, MD, 1979-1980.

SPECIAL DUTIES AND COMMITTEES RELATED TO VETERANS ADMINISTRATION ASSIGNMENTS:

Member, Clinical Executive Board, Veterans Administration Medical Center, Mountain Home, TN, 1 October 1980 - 30 June 1983.

Member, Quality Assurance Subcommittee, Veterans Administration Medical Center, Mountain Home, TN, 1 October 1980 - 30 June 1983.

Member (Non-voting), Dean's Committee, Veterans Administration Medical Center, Mountain Home, TN, 1 October 1980 - 30 June 1983.

Member, Therapeutic Agents and Pharmacy Reviews Committee, Veterans Administration Medical Center, Mountain Home, TN, 1 October 1980 - 30 June 1983.

Member, Professional Education Committee, Veterans Administration Medical Center, Mountain Home, TN, 1 February 1981 - 30 June 1983.

Chairman, Laboratory Management Committee, Laboratory Service, Veterans Administration Medical Center, Mountain Home, TN, 12 February 1981 - 30 June 1983.

Member, Research and Development Committee, Veterans Administration Medical Center, Mountain Home, TN, 1 July 1981 - 31 October 1981.

Chairman, Human Subjects Subcommittee, Veterans Administration Medical Center, Mountain Home, TN, 1 July 1981 - 30 June 1983.

Member, District Planning Board, Medical District 8, 29 October 1981 - 30 June 1983.

Chairman, Medical Center Medical District Initiated Planning Program (MEDIPP) Planning Board, 5 February 1982 - 30 June 1983.

Member, Nutrition Committee, Veterans Administration Medical Center, Mountain Home, TN 1 July 1981 - 30 June 1983.

Member, VACO Disciplinary Board, Veterans Administration Medical Center, Martinsburg, WV, 7-9 July 1982.

Chairman, House Staff Advisory Subcommittee, Veterans Administration Medical Center, Mountain Home, TN, 5 August 1982 - 8 March 1983.

Member, Resources Committee, Veterans Administration Medical Center, Mountain Home, TN, 5 November 1981 - 30 September 1982.

Member, House Staff Review Committee, Veterans Administration Medical Center, Mountain Home, TN, 10 February 1983 - 30 June 1983.

Chairman, Clinical Executive Board, Veterans Administration Medical Center, Dayton, OH, 29 June 1986 - 6 April 1991.

Chairman, Professional Standards Board for Physicians, Veterans Administration Medical Center, Dayton, OH, 29 June 1986 - 6 April 1991.

Chairman, Professional Standards Board for Physician Assistants, Veterans Administration Medical Center, Dayton, OH, 29 June 1986 - 6 April 1991.

Chairman, Professional Council, Veterans Administration Medical Center, Dayton, OH, 5 August 1987 - 1990.

Member, Administrative Executive Board; Postgraduate and Inservice Training Committee; Resources Committee; Dean's Committee; Space Committee; Research and Development Committee; Position Management Committee; House Staff Review Committee; and Tuition Support Committee. Veterans Administration Medical Center, Dayton, OH, 29 June 1986 - 6 April 1991.

Member, Medical Inspector's Team for Special Purpose Site Visit to Veterans Administration Medical Center, Bay Pines, FL, 18-20 May 1987.

Member, Medical District 13 Chiefs of Staff Council, 29 June 1986 - 20 July 1987.

Chairman, Medical District 13 Chiefs of Staff Council, 20 July 1987 - 20 July 1988.

Member, Planning Committees for 1987 Liaison Conference and 1989 Chiefs of Staff Training Program, Mid-Atlantic Regional Medical Education Center, Brecksville, OH, 1987-1988.

Member, Medical District 13 Planning Board, 20 July 1987 - 20 July 1989.

Member (ex-officio), Medical District 13 Executive Council, 20 July 1987 - 20 July 1989.

Member, Planning Committee, Executive Liaison Conference, Cleveland Regional Medical Education Center, Brecksville, OH 1989.

Consultant to Planning Committee, National Chiefs of Staff Training Program, Cleveland Regional Medical Education Center, Brecksville, OH 1989.

Acting Assistant Associate Deputy Chief Medical Director, Department of Veterans Affairs, Washington, D.C., 13 July 1989 - 18 August 1989.

Acting Associate Deputy Chief Medical Director, Department of Veterans Affairs, Washington, D.C., 17-18 July 1989; 15-17 August 1989.

Member, Executive Oversight Team for Contract Service Centers, Department of Veterans Affairs, Washington, D.C., 1989 - 1990.

Member, Technical Advisory Group for Regional Site Review Protocol, 2 March 1992 - 31 August 1992.

SPECIAL DUTIES AND COMMITTEES RELATED TO UNIVERSITY ASSIGNMENTS:

Member, Planning Committee, Introduction to Clinical Medicine IV: Cognitive and Conceptual Introduction to Medicine, East Tennessee State University, Johnson City, TN, 23 August 1982 - 30 April 1986.

Member, College of Medicine Screening Committee for Distinguished Faculty Award, July 1983.

Faculty Advisor for Medical Student Ruth E. Ventrice, Class of 1987, 8 August 1983 - 30 June 1985.

Member, Standing Committee on Administration and Budget, University Physician's Practice Group, Medical Education Assistance Corporation, 23 August 1983 - 30 April 1986.

Member, Planning Committee, Introduction to Clinical Medicine IV: Clinical Laboratory Medicine, 30 November 1983 - 30 April 1986.

Chairman, Residency-Planning and Review Committee, Department of Pathology, Quillen-Dishner College of Medicine, 1 December 1983 - 30 April 1986.

Faculty Advisor for Medical Student Charles W. Fleisher, Class of 1986, 26 March 1984 - 30 April 1986.

Member, Graduate Faculty Committee for E. Jayne Moffat, Candidate for Master's Degree in Biomedical Sciences (Pharmacology).

Faculty Advisor for Medical Student Michael H. West, Class of 1988, 2 August 1984 - 30 April 1986.

Member, Executive Committee, Wright State University School of Medicine, Dayton, OH, 1 July 1986 - 29 March 1991.

Member, Committee on Diagnostic Technology of the Task Force on Medical Student Education, Wright State University School of Medicine, Dayton, OH, 1986 - 1987.

Member, Residency Policy Committee, Wright State University School of Medicine, Dayton, OH, 17 August 1987 - 29 March 1991.

Member, Dean's Council, Wright State University School of Medicine, Dayton, OH, 27 March 1989 - 29 March 1991.

Member, Continuing Medical Education Committee, Wright State University School of Medicine, Dayton, OH, 30 August 1989 - 29 March 1991.

Member, VA Medical Center Management Advisory Committee, Wright State University School of Medicine, Dayton, OH, 1 September 1989 - 29 March 1991.

APPOINTMENTS AS CONSULTANT:

Consultant in Pathology, Guam Memorial Hospital, Agana, Guam, 1965

Consultant in Forensic Pathology (BUMED Code 316S-31), Professional Division, Bureau of Medicine and Surgery, Department of the Navy, 1970-1975

Consultant in Forensic Pathology, The American Board of Pathology, 1972 and 1973

Member, Test Committee for Special Examination in Forensic Pathology, The American Board of Pathology, 1973-1975

Guest Examiner, Special Field of Forensic Pathology, The American Board of Pathology, 1972-1975

Consultant in Laboratory Medicine (BUMED Code 21S), Medical Corps Division, Bureau of Medicine and Surgery, Department of the Navy, 9 June 1975 - 31 July 1980

Navy Representative, Scientific Advisory Board of Consultants, Armed Forces Institute of Pathology, Washington, D.C., 1976-1980

Representative of Bureau of Medicine and Surgery to Committee on Pathology, Society of Medical Consultants to the Armed Forces, November 1977

Consultant for the Development of Staffing Standards for the Specialty of Pathology, Bureau of Medicine and Surgery, Department of the Navy, 1978-1980

Member, Survey Team, Inspection of Medical Technology Program at Sacred Heart Hospital, Allentown, PA, for National Accrediting Agency for Clinical Laboratory Sciences, 29 November 1979

Inspector, Commission on Inspection and Accreditation, College of American Pathologists, for O.B. Hunter Memorial Laboratory, Bethesda, MD, 14 December 1979

Member, Panel on Irritant and Vesicant Chemicals, Committee on Toxicology, Commission on Life Sciences, National Research Council, National Academy of Sciences, Washington, D.C., 29 December 1982 - 17 June 1985

Physician Consultant to Laboratory Service, Veterans Administration Medical Center, Mountain Home, Tennessee, 1 October 1983 - 30 September 1985

Specialist Survey Respondent (Forensic Medicine) to American College of Physicians for A Library for Internists IV, Annals of Internal Medicine 96:385-401, 1982, and A Library for Internists V, Annals of Internal Medicine 102:423-437, 1985

APPOINTMENTS AS EDITOR:

Associate Editor, Journal of Forensic Sciences, 1971-1972

Editor, Journal of Forensic Sciences, 1972-1974

Associate Editor, Journal of Forensic Sciences, 1979 -1992

TEACHING APPOINTMENTS:

Assistant Instructor in Pathology and Fellow in Pepper Laboratory of Clinical Medicine, University of Pennsylvania, Philadelphia, Pennsylvania, February 1960 - May 1960

Guest Lecturer, Sophomore Class in Forensic Medicine, Jefferson Medical College, Philadelphia, Pennsylvania, 1961 and 1962

Guest Lecturer, U.S. Naval Medical School, National Naval Medical Center, Bethesda, Maryland, 1963 and 1965

Lecturer in Homicide Investigation, Police Division, Department of Public Safety, Government of Guam, 1965

Guest Lecturer, Seminar in Homicide Investigation, Department of Legal Medicine, Harvard Medical School, Boston, Massachusetts, May 1966, November 1966, and May 1967

Guest Lecturer, Seminar in Homicide Investigation, Maryland Medical-Legal Foundation, Baltimore, Maryland, 1968 - 1974

Course Director, Postgraduate Course in Forensic Pathology, Armed Forces Institute of Pathology, Washington, D.C., 1966-1970

Program Director, Residency in Special Field of Forensic Pathology, Armed Forces Institute of Pathology, Washington, D.C., 1966-1974

Instructor, Basic and Advanced Courses for Special Agents, Headquarters, Naval Investigative Service, Naval Intelligence Command, Arlington, Virginia, 1966-1969

Instructor, Basic Course for Special Agents, Headquarters, Naval Investigative Service, Naval Intelligence Command, Alexandria, Virginia, 1970-1971, 1973-1974

Faculty, Postgraduate Course in Forensic Dentistry, Armed Forces Institute of Pathology, Washington, D.C., 1966-1970

Faculty, Postgraduate Course in Aerospace Pathology, Armed Forces Institute of Pathology, Washington, D.C., 1966-1970; 1974

Faculty, Inservice Training Program in Homicide Investigation, Criminal Investigations Division, Metropolitan Police Department, District of Columbia, May 1969; October 1969; May 1970; April 1971; September 1972; March 1973; September 1973

Faculty, Forensic Sciences Symposium, Armed Forces Institute of Pathology, Washington, D.C., 1969, 1973

Faculty, Postgraduate Course in Accident Pathology, Armed Forces Institute of Pathology, Washington, D.C., 1970

Faculty, Workshop for Public Defenders, Government of the District of Columbia, Washington, D.C., September 1971

Course Director, Postgraduate Course in Pathology of the Aquatic Environment, Armed Forces Institute of Pathology, Washington, D.C., 1972

Professorial Lecturer in Forensic Science, The George Washington University, Washington, D.C., 1972-1976

Faculty, Seminar in Forensic Pathology, College of American Pathologists, Oakland, California, May 1972; Atlanta, Georgia, March 1973; Kansas City, Missouri, April 1974

Faculty, Postgraduate Course in Forensic Pathology, Armed Forces Institute of Pathology, Washington, D.C., November 1972; November 1973; November 1974

Faculty, State of New Jersey Seminars in Homicide Investigation, Linden, New Jersey, May 1972, November 1972, April 1973

Guest Lecturer in Forensic Pathology, Laboratory Service, Naval Hospital, Bethesda, Maryland, December 1972; February 1973

Guest Lecturer, Howard University Medical School, February 1973

Course Director, Seminar in Forensic Pathology, College of American Pathologist Saddle Brook, New Jersey, June 1973

Faculty, Seminar on Medicolegal Investigations in Criminal Cases, County of Allegheny, Pittsburgh, Pennsylvania, October 1973; January 1974; April 1974

Moderator, Annual Slide Seminar, "Cancer or Pseudocancer", Annual AFIP Lectures, 27 March 1974

Guest Speaker, Hollywood Academy of Medicine, Hollywood, California, 13 June 1974

Faculty, Death Investigation Seminar, Corning Community College, Corning, New York, 9 July 1974

Course Director, Seminar on Aquatic Pathology, Armed Forces Institute of Pathology, Washington, D.C., 24 September 1974

Faculty, Postgraduate Course in Forensic Dentistry, Armed Forces Institute of Pathology, Washington, D.C., 30 September 1974

Faculty, Symposium on the Medical-Ethical-Legal Aspects of Organ Transplantation, D.C. Medical Society Auditorium, Washington, D.C., 12 October 1974

Faculty, Bucks County Homicide Seminar, Trevoze, Pennsylvania, 15 October 1974

Faculty, Postgraduate Course in Forensic Pathology, Armed Forces Institute of Pathology, Washington, D.C., 12 November 1974; 13 November 1975

Guest Lecturer, Staff Medical Conference, Naval Regional Medical Center, Camp Lejeune, North Carolina, 13 February 1975

Medical Director, Medical Technology and Medical Laboratory Technician Schools, Naval Health Sciences Education and Training Command, Bethesda, MD, 1975-1980

Resource Staff Member, Personnel Management for Executives Program, Department of the Army Regional Training Center, Baltimore, MD, 12-23 January 1976

Professor of Pathology, The George Washington University School of Medicine and Health Sciences, 1 July 1975 - 30 June 1980

Professor of Pathology, Georgetown University School of Medicine, 1 July 1976 - 30 June 1980

Professor of Pathology, Uniformed Services University for the Health Sciences, 1 October 1976 - 30 September 1979

Program Director, Residency in Anatomic and Clinical Pathology, National Naval Medical Center, Bethesda, MD, 1975-1980

Resource Staff Member, Personnel Management for Executives Program, Central Atlantic Regional Training Center, Department of the Army, Williamsburg, VA, 27 February - 9 March 1979

Guest Lecturer on Laboratory Management, Health Care Administration Course, Naval School of Health Sciences, Bethesda, MD, 30 January 1979

Faculty, Forensic Science Seminar, Office of the Medical Investigator, University of New Mexico School of Medicine, Albuquerque, NM, 8-9 August 1979

Faculty, Workshop on Medicolegal Problems in the Clinical Laboratory, Fifth Annual Meeting of The Society of Armed Forces Medical Laboratory Scientists, San Antonio, Texas 18-19 October 1979

Professor of Pathology, Quillen-Dishner College of Medicine, East Tennessee State University, Johnson City, Tennessee, 1 September 1980 - 30 April 1986.

Faculty, Continuing Medical Education Seminar in Laboratory Medicine, Quillen-Dishner College of Medicine, East Tennessee State University, Johnson City, Tennessee, 23 September 1981

Faculty, Medico-Legal Seminar, Office of the Chief Medical Examiner, Commonwealth of Virginia, and Department of Legal Medicine, Medical College of Virginia, Abingdon, Virginia, 8 October 1981

Resource Staff Member, Personnel Management for Executives Program, Central Atlantic Regional Training Center, Department of the Army, Williamsburg, VA, 2-12 March 1982

Faculty, Seminar in Laboratory Medicine, Veterans Administration Medical Center, Mountain Home, TN, 16 July 1982

Professor of Pathology, East Tennessee State University School of Graduate Studies, Johnson City, TN, 3 August 1982 -

Faculty, Medico-Legal Seminar, Office of the Chief Medical Examiner, Commonwealth of Virginia, and Department of Legal Medicine, Medical College of Virginia, Roanoke, Virginia, 21 October 1982

Faculty, Forensic Pathology, Upper East Tennessee Law Enforcement Training Commission, East Tennessee State University, Johnson City, Tennessee, 16 December 1982

Course Director and Faculty, Seminar on Forensic Medicine, Quillen-Dishner College of Medicine, East Tennessee State University, Johnson City, Tennessee, 21 January 1983

Faculty, Seminar on Forensic Pathology, Department of Pathology, Vanderbilt University School of Medicine, Nashville, Tennessee, 28-29 January 1983

Faculty, Tennessee Medical Examiner Seminar, Sweetwater, Tennessee, 12 March 1983

Guest Speaker, The Kiwanis Club of Bristol, Tennessee, 21 April 1983

Faculty, Seminar on Sudden Infant Death Syndrome, First Tennessee Regional Public Health Center, Johnson City, Tennessee, 16 September 1983

Faculty, Aerospace Pathology Course, Armed Forces Institute of Pathology, Washington, D.C., 8 November 1983

Faculty, Advanced Forensic Pathology Course, Armed Forces Institute of Pathology, FBI Academy, Quantico, VA, 12 April 1984

Faculty, 24th International Conference on Legal Medicine, American College of Legal Medicine, Scottsdale, AZ, 11 May 1984

Course Director and Faculty, Seminar on the Investigation of Sex Crimes, Quillen-Dishner College of Medicine, East Tennessee State University, Johnson City, TN, 18 May 1984

Guest Speaker, Tri-Cities Chapter, Tennessee Society for Clinical Microbiology, Veterans Administration Medical Center, Mountain Home, TN, 5 June 1984

Faculty, Death Investigation Seminar, Upper East Tennessee Law Enforcement Training Commission, East Tennessee State University, Johnson City, TN, 15 August 1984

Resource Staff Member, Personnel Management for Executives Program, Department of the Army Regional Training Center, U.S. Army Forces Command, Charleston, SC, 9-21 September 1984

Faculty, American College of Legal Medicine Seminar, "The Growing Role of Law in the Practice of Medicine", Annual Meeting of the Association of American Medical Colleges, Chicago, IL, 31 October - 1 November 1984

Moderator, Scientific Session, Pathology and Biology Section, 37th Annual Meeting, American Academy of Forensic Sciences, Las Vegas, NV, 14 February 1985

Faculty, (Forensic Pathology, Forensic Medicine), Veterans Administration Physician and Dentists In-Residence Program, South Central Regional Medical Education Center, Jefferson Barracks Division, St. Louis, MO, 1981-1985

Faculty, Special Topics (Forensic Pathology), Criminal Justice Course No. 321-4967-001, Department of Criminal Justice, East Tennessee State University, Spring Semester (25 February, 4 March and 25 March), 1985

Faculty, Advanced Forensic Pathology Course, Armed Forces Institute of Pathology, FBI Academy, Quantico, VA, 18 April 1985

Course Director and Faculty, Legal Medicine Seminar, Quillen-Dishner College of Medicine, East Tennessee State University, Johnson City, TN, 5 December 1985.

Assistant Dean for Veterans Affairs and Professor of Pathology, Wright State University School of Medicine, Dayton, OH, 1 July 1986 - 29 March 1991.

Faculty, Basic Forensic Pathology Course, Armed Forces Institute of Pathology, Washington, DC, 3 November 1986.

Guest faculty, Annual Death Investigation Seminar of the Indiana Forensic Science Commission, Indiana Coroner's Association, and Department of Pathology, Indiana University School of Medicine, Indianapolis, IN, 21-22 April 1988.

Guest Faculty, Annual Death Investigation Seminar of the Indiana Forensic Science Commission, Indiana Coroner's Association, and Department of Pathology, Indiana University School of Medicine, Indianapolis, IN, 28 April 1989.

PROFESSIONAL SOCIETIES:

Fellow, College of American Pathologists
 Fellow, American Society of Clinical Pathologists
 Fellow, American Academy of Forensic Sciences
 Honorary Fellow, American College of Legal Medicine
 Life Member, Association of Military Surgeons of the United States
 Southern Medical Association
 The Society of Medical Consultants to the Armed Forces
 The Society of Armed Forces Medical Laboratory Scientists
 American Association of Blood Banks
 Academy of Clinical Laboratory Physicians and Scientists
 National Association of Medical Examiners
 The New York Academy of Sciences
 United States Naval Institute (Life Member)
 The Retired Officers Association (Life Member)
 Life Member, Federal Health Care Executives Institute Alumni Association

OFFICES AND APPOINTMENTS IN NATIONAL PROFESSIONAL SOCIETIES:American Academy of Forensic Sciences

1966-1967	Member of Reference Committee, Program Committee, and Geographic Forensic Pathology Committee, Pathology and Biology Section
1969-1970	Secretary, Pathology and Biology Section
1970-1971	Council Chairman Chairman, Pathology and Biology Section Chairman, Membership Committee
1972-1974	Chairman, Publications Committee
1973	Member, Nominating Committee
1975-1976	Member, Ad Hoc Committee on a National Institute for Forensic Sciences
1979-	Member, Publications Committee
1984-1985	Member, Best Resident Paper Committee, Pathology and Biology Section
1988-1989	Member, Strategic Planning Committee
1989-1990	Member, Strategic Planning Committee
1990-1992	Member, Strategic Planning Committee
1992-	Member, Strategic Planning Committee

College of American Pathologists

1966-1975 Member, Committee on Forensic Pathology
 1988- Member, Forensic Pathology Committee

American Society of Clinical Pathologists

1969-1974 Member, Council on Forensic Pathology

National Association of Medical Examiners

1971-1977 Member, Board of Directors
 1975-1976 Member, Executive Committee,
 Board of Directors
 1978 Member, Nominating Committee
 1986-1992 Member, Board of Directors
 1991- Member, Executive Committee
 1992- Vice President

American College of Legal Medicine

1974-1975 Member, Honorary Fellowship Committee

Washington Society of Pathologists

1978-1979 Secretary-Treasurer
 1979-1980 Vice President

The Society of Armed Forces Medical Laboratory Scientists

1978-1980 Member, Board of Directors

Miscellaneous Appointments to Committees

Member, Steering Committee for an Institute of Forensic Medicine and Law, Metropolitan Washington Council of Governments, 1972

Co-Chairman, Publications Committee, Department of Forensic Science, Graduate School of Arts and Sciences, The George Washington University, Washington, D.C., 1974; and Chairman, Curriculum Committee, 1974-1975

Dayton Clinical Oncology Program

1989-1990 Member, Board of Trustees

Mid-Atlantic Forensic Pathology Association

1992- Member, Board of Directors

SPECIAL MILITARY MISSIONS:

February 1963	Temporary duty at U.S. Air Force Hospital, Harman Air Force Base (SAC), Newfoundland, to conduct medicolegal autopsies on two servicemen who died unexpectedly at Thule, Greenland, and one serviceman who died at Keflavik, Iceland
September 1963 to October 1965	Served as Director of the Military Blood Procurement Program for Naval Forces, Marianas, Territory of Guam
April 1964	Served as military member of special fact-finding committee selected for Board of Trustees, Guam Memorial Hospital, Government of Guam, to investigate allegation of malpractice involving physician employed by Guam Memorial Hospital
January 1967	Served as forensic pathologist on team assigned to Air Force Station, Eastern Test Range, Cape Kennedy, Florida, to conduct medicolegal investigation and autopsies on Astronauts Grissom, White and Chaffee following Apollo disaster
June 1968	Served as forensic pathologist on team assigned as consultants to Chief Medical Examiner-Coroner, County of Los Angeles, during medicolegal investigation and autopsy following assassination of Senator Robert Kennedy
December 1969 to January 1970	Served as consultant in forensic pathology to the Office of the Chief of Support Services, Department of the Army, in the case of John Albert Warren (deceased)
June 1970	Served as consultant in forensic pathology to Headquarters, U.S. Army Training Center, Fort Ord, California and participated in exhumation and medicolegal postmortem examination of the remains of Kenneth Michael Woodruff, Staff Sergeant, U.S. Army, at San Diego, California, as authorized by Order No. 318142 of 20 May 1970 by the Superior Court of the State of California for the County of San Diego
28 October 1974 to 1 November 1974	Served as consultant in forensic pathology to Civil Rights Division, United States Department of Justice, at San Juan, Puerto Rico, to conduct exhumation and medicolegal postmortem examination on the remains of Ramon Rodriguez-Marrero, as authorized on 1 October 1974 by Chief Judge, United States District Court, District of Puerto Rico

15 November 1977
to
18 November 1977

Served as consultant in forensic pathology to Naval Investigative Service - Pacific, Pearl Harbor, Hawaii, to participate in the investigation of the death of Timothy E. Schlag, a Navy dependent

MEDICOLEGAL EXPERIENCE AS EXPERT WITNESS:

1964	<p>Expert witness during court-martial of airman accused of negligent homicide at Andersen Air Force Base, Guam</p> <p>Expert witness during court-martial of sailor accused of murder at Headquarters, Commander Naval Forces, Marianas, Guam</p> <p>Expert witness at Naval Board of Inquiry for investigation of explosion aboard USS AFDM-8 in Apra Harbor, U.S. Naval Station, Guam</p> <p>Expert witness in the case of the <u>Government of Guam v. Mesa</u>, following murder of F.M. Izezaki, Government of Guam Fish and Wildlife Conservation Officer</p>
March 1968	Expert witness during court-martial of marine accused of homicide, <u>United States v. Evans</u> , at Headquarters, Marine Corps Base, Camp Lejeune, North Carolina
February 1968	Expert witness during court-martial of three military policemen accused of maltreatment, <u>United States v. Krews, Elwood and Linsey</u> , at Fort Hayes, Ohio
May 1968	Expert witness during court-martial, <u>United States v. Paul</u> at Headquarters, Military District of Washington
January 1969	Expert witness during court-martial of sailor accused of murder, <u>United States v. Hise</u> , at District Legal Office, Sixth Naval District, Charleston, South Carolina
May 1970	Expert witness for the plaintiff, in conjunction with a third party claim by the Veterans Administration, and provided a deposition in the case of <u>White v. City of Darrington, Washington, et. al.</u> , at Snohomish County, Washington, Number 90170, at Armed Forces Institute of Pathology, Washington, D.
January 1971	Expert witness during court-martial, <u>United States v. Foppiano</u> at Headquarters, Sixth United States Army, The Presidio, San Francisco, California
November 1973	Expert witness during Article 32 Investigation at Third Coast Guard District, Governors Island, New York

April 1976	Expert witness during trial at United States District Court, San Juan, Puerto Rico, in the case of <u>United States v. Perez et. al.</u>
25 March 1982	Expert witness during trial at Criminal Court of Washington County, State of Tennessee, Jonesborough, TN in the case of the <u>State of Tennessee v. Kenneth W. Campbell</u>
4 November 1983	Expert witness during trial at Criminal Court of Washington County, Jonesborough, TN, in case of the <u>State of Tennessee v. Vesper Denton Hicks</u>
9 February 1984	Expert witness for the plaintiff and provided deposition at Fairfax, VA, in the case of <u>Abosbitan v. Kirk et. al.</u> , United States District Court for the Eastern District of Virginia, Civil Action No. 83-758-A
7 April 1984	Expert witness during trial at Criminal Court of Washington County, Jonesborough, TN, in case of the <u>State of Tennessee v. Vesper Denton Hicks</u>
10 December 1984	Expert witness during judicial hearing at Juvenile Court of Sullivan County, Kingsport, TN, in case of the <u>State of Tennessee v. Danny Hicks</u>
1 March 1985	Expert witness during preliminary hearing at Criminal Court of Johnson County, Mountain City, TN, in case of the <u>State of Tennessee v. Lois Guy</u>
12 March 1985	Expert witness during deposition in the case of Tony B. Treadway at Law Offices of Herndon, Coleman, and McKee, Johnson City, TN
30 April 1985	Expert witness during trial at Criminal Court of Washington County, Jonesborough, TN, in case of the <u>State of Tennessee v. Ronald Whitaker</u>
8 July 1985	Expert witness during trial at Criminal Court of Sullivan County, Blountville, TN, in case of the <u>State of Tennessee v. Danny Ray Hicks</u>
8 July 1986	Expert witness during trial of Criminal Court at Sullivan County, Blountville, TN, in case of the <u>State of Tennessee v. Jimmy W. Long.</u>

PROFESSIONAL PUBLICATIONS:

1. Stahl, C.J.: Neurologic Diseases on Guam, United States Navy Medical Laboratory Quarterly 3:14-17, 1965.
2. Stahl, C.J.: The Medical Examiner System in the Territory of Guam. Journal of Forensic Sciences 11:179-185, 1966.
3. Young, B.C. and Stahl, C.J.: Gunshot Wounds. American Registry of Pathology, Washington, D.C., 1966.
4. Stahl, C.J. and Johnson, F.B.: Armed Forces Institute of Pathology Clinical Pathologic Conference Number 19-16 (Ethylene Glycol - Antifreeze-Poisoning). American Registry of Pathology, Washington, D.C., 1966.
5. Stahl, C.J.: Book Review of Forensic Odontology by Gosta Gustafson. American Elsevier Publishing Company, Inc., New York, 1966. In Military Medicine 131:1656, 1966.
6. Stahl, C.J.: Case for Diagnosis (On marijuana). Military Medicine 132:400, 414, 1967.
7. Mueller, W.F. and Stahl, C.J.: Armed Forces Institute of Pathology Clinical Pathologic Conference Number 9-67 (Rupture of Posttraumatic Aneurysm of Thoracic Aorta). American Registry of Pathology, Washington, D.C., 1967.
8. Stahl, C.J.: The Registry of Forensic Pathology. Journal of Forensic Sciences 13:151-162, 1968.
9. Levine, R.A. and Stahl, C.J.: Eye Injury Caused by Tear-Gas Weapons. American Journal of Ophthalmology 65:497-508, 1968.
10. Stahl, C.J., Young, B.C., Brown, R.J., and Ainsworth, C.A.: Forensic Aspects of Tear-Gas Pen Guns. Journal of Forensic Sciences 13:442-469, 1968.
11. Stahl, C.J., Fatteh, A.V., and Dominquez, A.M.: Trichloroethane Poisoning: Observations on the Pathology and Toxicology in Six Fatal Cases. Journal of Forensic Sciences 14:393-397, 1969.
12. Stahl, C.J. and Davis, J.H.: Missile Wounds Caused by Tear-Gas Pen Guns. The American Journal of Clinical Pathology 52:270-276, 1969.
13. Stahl, C.J.: "A Trip With No Return". Forensic Pathology Check Sample No. FP-44, Commission on Continuing Education Check Sample Program, American Society of Clinical Pathologists, Chicago, Illinois, May 1969.
14. Stahl, C.J.: "A Tonic Without Gin". Forensic Pathology Check Sample No. FP-46, Commission on Continuing Education Check Sample Program, American Society of Clinical Pathologists, Chicago, Illinois, September, 1969.
15. Reference 11 reprinted in U.S. Navy Medical Newsletter 55:9-11, 1970.

16. Reference 2 reprinted in U.S. Navy Medical Newsletter 55:15-24, 1970.
17. Froede, R.C. and Stahl, C.J.: "The Case of the Misplaced Roach". Forensic Pathology Check Sample No. FP-48, Commission on Continuing Education Check Sample Program, American Society of Clinical Pathologists, Chicago, Illinois, January 1970.
18. McCarty, J.E. and Stahl, C.J.: Armed Forces Institute of Pathology Clinical Pathologic Conference No. 4-69 (*Amanita* Mushroom Intoxication). American Registry of Pathology, Washington, D.C. 1969.
19. Stahl, C.J. (Moderator): "Timing of Injuries". A Seminar of the Pathology and Biology Section for the Twenty-Second Annual Meeting, American Academy of Forensic Sciences, Chicago, Illinois, 28 February 1970.
20. Stahl, C.J.: Drowning. In Cecil-Loeb Textbook of Medicine 13th Edition, edited by Beeson, P.B. and McDermott, W., Philadelphia, W.B. Saunders Company, 1971, pp. 45-47.
21. Stahl, C.J.: Timing of Injuries (Microscopic Slide Study Set No. M18971). American Registry of Pathology, Washington, D.C., 1971.
22. Froede, R.C. and Stahl, C.J.: Fatal Narcotism in Military Personnel. Journal of Forensic Sciences 16:199-218, 1971.
23. Stahl, C.J.: Meprobamate. Forensic Pathology Check Sample No. FP-58, Commission on Continuing Education Check Sample Program, American Society of Clinical Pathologists, Chicago, Illinois, 1971.
24. Ayers, K.M. and Stahl, C.J.: Ballistic Characteristics and Wounding Effects of a Tear-Gas Pen Gun Loaded with Ortho-Chlorobenzalmalononitrile. Journal of Forensic Sciences 17:292-297, 1972.
25. Stahl, C.J. and Johnson, F.B.: Methamphetamine and Granulomatous Pulmonary Arteritis. Forensic Pathology Check Sample No. FP-62, Commission on Continuing Education Check Sample Program, American Society of Clinical Pathologists, Chicago, Illinois, 1972.
26. Ayers, K.M. and Stahl, C.J.: Experimental Injuries of the Eye Caused by a Tear-Gas Pen Gun Loaded with Ortho-Chlorobenzalmalononitrile. Journal of Forensic Sciences 17:547-554, 1972.
27. Stahl, C.J., Froede, R.C. and Zimmerly, J.G.: Forensic Sciences at the Armed Forces Institute of Pathology: Its Role in Military Medicine. United States Navy Medicine 61:20-27, 1973.
28. Stahl, C.J.: Identification of Human Remains. In Medicolegal Investigation of Death. Guidelines for the Application of Pathology to Crime Investigation, edited by W.U. Spitz and R.S. Fisher. Charles C. Thomas, Springfield, Illinois, 1973.

29. Buddington, R.S., Stahl, C.J., McAllister, H.A., and Schwartz, R.A.: Exercise and Sudden Death. (Abstract No. 368). Supplement IV to Circulation, Volumes VII and VIII, October 1973, p. IV-93.
30. Buddington, R.S., Stahl, C.J., McAllister, H.A., and Schwartz, R.A.: Sports, Death, and Unusual Heart Disease. (Abstract). The American Journal of Cardiology 33:129, January 1974.
31. Stahl, C.J.: Editorial. Journal of Forensic Sciences 19:1-2, 1974.
32. Winter, P.E., Stahl, C.J., Goldbaum, L.R., and Dominguez, A.M.: Drug Excretion in the Urine of Military Separates: A Pilot Study. Journal of Forensic Sciences 19:317-324, 1974.
33. Stahl, C.J. (Moderator): "Cancer or Pseudocancer". A Seminar for the 14th Annual AFIP Lectures, 27 March 1974 (Microscopic Slide Study Set No. M21574). American Registry of Pathology, Washington, D.C., 1974.
34. Jones, S.R., Bessant-Matthews, P.E., Williams, F.J., and Stahl, C.J.: Injury Potential of a Reloaded Tear-Gas Pen Gun. Journal of Forensic Sciences 19:812-819, 1974.
35. Raasch, F.O., Hirvonen, J.I., and Stahl, C.J.: Timing of Injury in Human Thermal Burns. Journal of Forensic Sciences 19:723-729, 1974.
36. Stahl, C.J. and Dollinger, A.L.: The Case of the Battered Button. Forensic Pathology Check Sample No. FP-76, Commission on Continuing Education Check Sample Program, American Society of Clinical Pathologists, Chicago, Illinois, 1974.
37. Jones, S.R., Stahl, C.J., and Harriman, J.J.: Ballistic Studies and Lethal Potential of Tear-Gas Pen Guns Firing Fixed Metallic Ammunition. Journal of Forensic Sciences 20:261-273, 1975.
38. Stahl, C.J.: Drowning. In Textbook of Medicine, 14th Edition, edited by P.B. Beeson and W. McDermott. W.B. Saunders Company, Philadelphia, 1975, pp. 80-82.
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EXHIBIT 3

FORENSIC PATHOLOGY AND MEDICAL EXAMINER-RELATED FINDINGS AND CONCLUSIONS PERTAINING TO THE INVESTIGATION OF THE DEATH OF VINCENT W. FOSTER, JR.

We were provided unrestricted access to all available investigative and scientific information and materials regarding the death of Vincent W. Foster, Jr., including information developed by the United States Park Police, the Federal Bureau of Investigation and the FBI Laboratory, the Office of the Chief Medical Examiner, Commonwealth of Virginia, and its Northern Virginia District Office, and the Office of the Independent Counsel. We examined photographs taken at the scene of death and during the course of the postmortem examination, and microscopic slides prepared from tissues obtained at autopsy. We discussed the investigative and scientific findings of the case with the investigative and laboratory personnel responsible for each aspect of the investigation.

The analysis and conclusions of our review, as discussed below, were arrived at separately and independently by each of us.

ISSUES AND CONCLUSIONS

1. CAUSE AND CIRCUMSTANCES OF DEATH

The bullet wound of Mr. Foster's head and brain, with its vital reaction, represents the definitive cause of his death.

The postmortem findings demonstrated in this case are typical and characteristic of such findings in deaths due to intentional self-inflicted intraoral gunshot wounds. Following complete postmortem examination, there was no other trauma identified that would suggest a circumstance other than suicide. In addition, it is exceedingly unlikely that an individual of Mr. Foster's physical stature (6 feet 4 1/2 inches in height, 197 pounds in weight) could have been overcome by an assailant inflicting an intraoral gunshot wound without a struggle and there not to have been some other injury sustained at the time.

2. BULLET PATH

The large quantity of gunpowder residue present on microscopic sections of the soft palate indicates that Mr. Foster placed the barrel of the weapon into his mouth with the muzzle essentially in contact with the soft palate when he pulled the trigger. Recovery of Foster's DNA type from the muzzle of the revolver by the FBI Laboratory is strong supportive evidence that associates the weapon with the deceased. The absence of visible blood on the revolver is not inconsistent with the self-inflicted

bullet wound he sustained. Visual or chemical identification of blood on the weapon in gunshot wound suicides is a common but by no means universal finding. There were no flame burns from the muzzle blast identified within the mouth, nor would injury of such type necessarily be expected.

The bullet perforated the soft palate, entered the cranial cavity directly to the left of the foramen magnum, contused the left side of the brainstem, grazed the medial aspect of the left cerebral hemisphere and exited through the occipital skull and scalp. This wound caused instantaneous, complete incapacitation, followed by clinical death within a matter of minutes. There was a secondary, ring-like fracture of the skull, a common associated finding in such cases, that extended symmetrically from the base of the skull across the calvarium.

3. LOCATION OF FATAL EVENT

It is our opinion that the death occurred where the body was found at Fort Marcy Park, Virginia. The relatively pristine nature of the exposed skin surfaces of the deceased and of his clothing precludes any other scenario. Substantially greater contamination of skin surfaces and clothing by spilled and/or smeared blood would have been unavoidable, had the body been transported postmortem to the place where it was found. Precisely such contamination was, in fact, documented following actual transport of the body from the scene of death to Fairfax Hospital, and from there to the medical examiner's office. There was no such contamination when the body was examined and photographed at the scene.

4. TIME OF DEATH

Given the limitations of available information, it is not possible further to define the postmortem interval than within the broad range of when the deceased was last seen alive to the time the body was discovered.

5. TOXICOLOGY

Toxicological examination by the FBI Laboratory of blood obtained at autopsy revealed trace amounts of trazodone and small quantities of diazepam (Valium) and its metabolite, nordiazepam. The finding of trazodone, an antidepressant, confirms the history of Foster's taking a single tablet the evening prior to his death from a prescription ordered by his doctor earlier that day. There was no alcohol or any other toxic substance in Foster's body.

6. POSITION OF THE BODY

The deceased was found supine, with his arms and legs extended. Given the steep (approximately 45 degree) slope on which his body was resting, we believe that he was seated when the weapon was discharged. After firing the weapon, because of the sloped terrain, he would have fallen backward, with his arms falling to their respective sides by gravity, aided on the right by the weight of the revolver affixed to his thumb (see below, number 8). Had he been standing, he would not have ended up in the orderly position in which he was found. Had he been lying down, it is likely that the bullet would have been recovered from the ground beneath his head. It was not. Bullet-generated trauma to the brainstem would have rendered Mr. Foster instantly unconscious and unresponsive.

Although the amount of extravasated blood at the scene of death was characterized by some observers as being less than the expected quantity, a pool of blood was, in fact, found under the head of the deceased when the body was turned, and the upper back of his shirt was noted to be blood soaked. These observations notwithstanding, any relative lack of extravasated blood can be readily explained by the position of the body on the steeply inclined slope, with blood settling postmortem to the dependent portions of the body, i.e., below the level of the head wounds, and by the prompt cessation of cardiovascular activity incident to the bullet wound injury of the brainstem.

7. POSITION OF THE HEAD

According to multiple observers at the scene, the head was facing forward when Foster's body was found, an observation confirmed in scene photographs. There were linear blood stains coursing across the right side of the face, emanating from the nose and mouth. A broad transfer-type blood smear was present at the right side of the chin and neck, precisely corresponding to a similar blood stain of the right collar area of the shirt. For obvious reasons, the head must have been facing to the right when the body was found or have been turned to the right when the body was being examined at the scene. In either circumstance, blood accumulated in the nose and mouth from the bullet defect of the soft palate and base of the skull would have spilled over the face and soiled the right shoulder and collar of the shirt. The finding of the head facing forward and the right sided blood stains are mutually exclusive. We conclude that a rightward tilt of his face was changed to a forward orientation by one of the early observers before the scene photographs were taken.

8. POSITION OF THE WEAPON

Scene and autopsy photographs demonstrate that Mr. Foster's right thumb was trapped and compressed between the trigger and

the front of the trigger guard. In addition, there was gunpowder residue on the surface of his right index finger facing the thumb, extending from the distal joint to the web area of the thumb and, according to the autopsy report, similar material, but of lesser quantity, at the corresponding aspect of the left index finger. With the barrel of the revolver placed into the decedent's mouth, the only source of such gunpowder would be the gap between the cylinder and the frame of the weapon. Multiple test firings of the revolver in the FBI Laboratory conclusively demonstrated that gunpowder residue escapes from its cylinder gap. The laboratory studies and the anatomic findings indicate that Mr. Foster's index fingers were in the vicinity of the cylinder gap when the weapon was fired. In addition, flecks of scattered stippled material were observed on the skin surfaces of the lower face in scene photographs and in those autopsy photographs taken before these surfaces were washed. Washing markedly reduced their number. The origin of this material, i.e., whether it represents gunpowder residue, blood spatter or some other foreign material, is uncertain.

SUMMARY

We conclude that Mr. Foster died from a self-inflicted bullet wound delivered with suicidal intent and that the death occurred where the body was found, at Fort Marcy Park, Virginia.



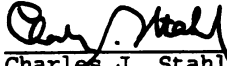
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EXHIBIT 4**CURRICULUM VITAE****NAME:** Joel E. Kleinman, M.D., Ph.D.**DATE AND PLACE OF BIRTH:** April 8, 1945; Alexandria, Louisiana**FAMILY STATUS:** Married, two children**EDUCATION:**

1966	B.S., Biochemistry, University of Chicago, Chicago, Illinois
1973	M.D., University of Chicago Pritzker School of Medicine, Chicago, Illinois
1974	Ph.D., Pharmacology, Department of Pharmacological and Physiological Sciences, University of Chicago, Chicago, Illinois

TRAINING:

1973-1974	Rotating Intern, San Francisco General Hospital, San Francisco, California
1974-1976	Psychiatry Resident, Massachusetts Mental Health Center, Boston, Massachusetts.
1983-1985	Neurology Resident, George Washington University School of Medicine, Washington, D.C.

EMPLOYMENT:

1976-1978	Clinical Associate, Laboratory of Clinical Psychopharmacology, Division of Special Mental Health Research, Intramural Research Program, National Institute of Mental Health, Saint Elizabeths Hospital, Washington, D.C.
1978-1984	Staff Psychiatrist, Adult Psychiatry Branch (formerly Laboratory of Clinical Psychopharmacology, Division of Special Mental Health Research), Intramural Research Program, National Institute of Mental Health, Saint Elizabeths Hospital, Washington, D.C.

- 1984-1986 Chief, Clinical Brain Studies Section, Neuropsychiatry Branch (formerly Adult Psychiatry Branch), Intramural Research Program, National Institute of Mental Health, Saint Elizabeths Hospital, Washington, D.C.
- 1986-Present Deputy Chief, Clinical Brain Disorders Branch and Chief, Neuropathology Section, Intramural Research Program, National Institute of Mental Health, Saint Elizabeths Hospital, Washington, D.C.

ACADEMIC APPOINTMENTS:

- 1973-1974 Clinical Fellow, University of California Medical School in San Francisco, California.
- 1974-1976 Clinical Fellow, Harvard Medical School, Boston, Massachusetts
- 1981-1987 Assistant Clinical Professor, Department of Psychiatry and Behavioral Sciences, George Washington University School of Medicine, Washington, D.C.
- 1988-Present Associate Clinical Professor, Department of Psychiatry and Behavioral Sciences and Department of Neurology, George Washington University School of Medicine, Washington, D.C.

CLINICAL EXPERIENCES:

- 1976 Consultant, Paul A. Dever State School, Taunton, Massachusetts
- 1978-Present Practice of Psychiatry
- 1979-1981 Consultant, Montgomery County Department of Corrections and Rehabilitation, Rockville, Maryland
- 1986-Present Practice of Neurology

OTHER ACADEMIC/CLINICAL EXPERIENCES:

- 1977-Present Neuropsychiatry Consultant, District of Columbia Medical Examiner's Office, Washington, D.C.
- 1979, 1984, 1986, 1989 Examiner, American Board of Psychiatry and Neurology
- 1984-1986 Editorial Board, Gerodiatrics

1986-1988 Co-director, Behavioral Neurology Service, Saint Elizabeths Hospital, Washington, D.C.

1986-Present Guest Researcher, Experimental Therapeutics Branch, Intramural Research Program, National Institute of Neurological Diseases and Stroke, National Institute of Health, Bethesda, Maryland

MILITARY SERVICE:

1972-1973 Ensign, USPHS, Senior COSTEP

1976-1978 Lt. Commander, USPHS

1978-1987 Commander, USPHS

1987-Present Captain, USPHS

SOCIETIES:

American Academy of Neurology

American Association for the Advancement of Science

American College of Neuropsychopharmacology

American Medical Association

American Neurological Association

American Psychiatric Association

Sigma Xi

Society of Biological Psychiatry, Vice President, 1991-2; President-Elect 1992-3; President, 1993-present

Society for Neuroscience

Washington Psychiatric Society

LICENSES:

Diplomate of National Medical Board

American Board of Psychiatry and Neurology, 1978

State Medical Licensure: Maryland, California, District of Columbia, Virginia

AWARDS:

A.E. Bennett Award, 1981

U.S.P.H.S., Outstanding Service Medal, 1992

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EXHIBIT 5

TRANSCRIPT OF NOTE

I made mistakes from ignorance, inexperience and overwork

I did not knowingly violate any law or standard of conduct

No one in The White House, to my knowledge, violated any law or standard of conduct, including any action in the travel office. There was no intent to benefit any individual or specific group

The FBI lied in their report to the AG

The press is covering up the illegal benefits they received from the travel staff

The GOP has lied and misrepresented its knowledge and role and covered up a prior investigation

The Ushers Office plotted to have excessive costs incurred, taking advantage of Kaki and HRC

The public will never believe the innocence of the Clintons and their loyal* staff

The WSJ editors lie without consequence

I was not meant for the job or the spotlight of public life in Washington. Here ruining people is considered sport.

* A transcript of the note prepared by the Park Police identifies this word as "legal."

Journal, 6/17/93

EXHIBIT 6

REVIEW & OUTLOOK

Who Is Vincent Foster?

In its first few months, the Clinton White House has proved itself to be careless about many things, from Presidential haircuts to appointing a government. But most disturbing is its carelessness about following the law.

While we have our own complaint that we will presently explain, we hasten to point out that our concern is shared by at least two federal judges. Indeed, they're exploring the largely uncharted legal ground of use of the contempt power to get the Clinton Crowd to obey the law.

In a suit over preservation of computer tapes from the Reagan-Bush era, Judge Charles R. Richey has already issued a contempt order because the administration "dillydallied" in following his earlier order, and threatens \$50,000-a-day fines against the White House and National Archives. Now Judge Royce Lamberth has threatened contempt unless the Hillary Clinton health task force takes steps to follow his order to preserve materials relating to its activities.

Quite frankly, we have mixed emotions about these developments. We think that in the post-Watergate era, the executive branch has been on the short end of the balance of powers, and that the government would work better if this were redressed. We find Judge Richey's order more than a little presumptuous, and tend to think the law before Judge Lamberth is a legislative intrusion on executive power. But we can understand that both judges reacted to a certain lack of seriousness—contempt in its most basic meaning—toward legal rulings.

Judge Lamberth's case, for example, concerned whether the Hillary task force had to follow the Federal Advisory Committee Act, in which Congress prescribed hoops Presidents have to jump through in appointing outside commissions. Judge Lamberth held much of the law unconstitutional and laid out what might be seen as accommodating requirements, but dismissed the argument that this was not an outside commission because Mrs. Clinton was "the functional equivalent" of a government employee.

The government appealed the latter finding in a still-pending case; in the oral arguments Judge Laurence Silberman asked whether she took an oath of office or could be impeached. Meanwhile, the task force simply ignored the rest of Judge Lamberth's rulings, for example holding meetings without adequate notice.

We've been having a similar problem with Vincent Foster, deputy White House counsel and one of Mrs. Clinton's former partners in the Rose Law Firm in Little Rock. After we succeeded in making Webster Hubbell famous, it occurred to us we might have occasion to repeat the favor for other Rose partners, and requested photographs of Mr. Foster and associate White House counsel William Kennedy. Eventually some subaltern in the counsel's office relayed the message, "Mr. Foster sees no reason

why he should supply the Journal with a photo."

Given this encouragement, we filed a request for photos of Mr. Foster and Mr. Kennedy under the Freedom of Information Act. The act re-

quires officials to respond within 10 business days, a deadline that expired May 21. Despite repeated inquiries with those officials who return our calls, the White House still owes us

either some photographs or an explanation of why our request has been refused.

At one point, we were told it ought to be worked out, and were referred to deputy press spokesperson Ricki Seidman, who seems not to return calls from our editorial page staff. David Gergen was not exactly overjoyed that we held up public complaint until he arrived, noting that our artists have already converted his photograph into a dot-drawing. But he seems to have jolted the matter off dead center; we're now told there's a draft letter somewhere in the bureaucracy saying the FOI Act does not apply to the White House counsel's office, but the press office can give us



photos if it chooses. So we're back to the Seidman black hole, but the letter should be interesting reading.

No doubt Mr. Foster and company consider us mischievous (at best). Of course the Clinton administration has little reason to love us. Back when the rest of the press was in its pre-Waco honeymoon, we were already pulling the loose strings of the basic "New Democrat" lie. Still, we remain supportive when Mr. Clinton returns to that campaign theme, as with NAFTA. Indeed, when Mr. Hubbell proved man enough to face public hearings on his appointment as associate attorney general, we saw no reason he should be denied confirmation. Even if we were as uniformly hostile as sometimes charged, there are larger points here. How an administration deals with critics is a basic test of its character and mores, and how

scrupulously it follows the law is even more directly significant.

Does the law mean one thing for critics and another for friends? Will we in the end have to go to court to get a reply, or will even that work? Does it take a \$50,000-a-day fine to get this mule's attention? Will a task force bearing the First Lady's name blithely ignore a district court order even as its appeal is being heard by the D.C. Circuit? Judge Lamberth demanded, "I want a name and address of who's going to be accountable, who's going to be held in contempt if there are documents destroyed."

Who ensures that this administration follows the law, or explains why not? A good question. While Constitutional law may not have been the big part of the Rose firm's practice, it seems to us that a good man for the job would be deputy counsel Foster.

Journal, 6/24/93

REVIEW & OUTLOOK

Vincent Foster's Victory

Meet Vincent Foster, movement conservative.

Vincent Foster is one of the White House lawyers from the Rose Law Firm, whose picture we've been seeking through the alleys and byways of the Freedom of Information Act. The picture arrived in time this week for us to celebrate Mr. Foster's victory yesterday in the battle over Hillary Clinton's status as head of the Clintons' health care task force.

An appeals court ruled Tuesday that, as Mr. Foster had been arguing, Mrs. Clinton is indeed the "functional equivalent" of a federal employee, at least as concerns compliance with the Federal Advisory Committee Act, or FACA (as in "focka").

The FACA Fight, initiated by various health and doctors' groups, was over whether the Hillary Clinton Health Task Force had to hold its meetings in public, which is what FACA requires when private citizens are serving on a President's advisory committees. Or whether Hillary, the functional federal equivalent, could hold her meetings in secret, as she desired. The appeals court said, sure, go ahead and meet in secret if you want. That's a win for the White House.

However, the court also said it didn't have a clue as to what exactly the task force's so-called "working groups" were all about, or whether FACA applied to their members. The White House said those are all federal employees, too, so they can hold secret meetings. But the appeals court said

the legal status of these people isn't at all clear, and ordered the district court to revisit the FACA netherworld to explore such issues as whether some of Hillary's helpers are "special government employees" or "full time" or "intermittent" or "consultants."

Finally, the court said the plaintiff doctors groups get to look at the almost football-field's worth of paper and documentation that the working groups have piled up by now.

As we say, for achieving these outcomes we think Mr. Foster deserves a salute from conservatives. With one mighty sweep he has struck a blow for separation of powers, executive authority, critics of the litigation explosion, and we dare say, even for the formulators of the Reagan White House's off-the-books Iran-Contra operation.

Conservatives have worried out loud for years about inroads against the President's ability to carry out the functions of his office. In particular, conservatives have noted Congress's instinct to usurp presidential authority, tipping the balance of powers in the legislature's favor. Thus, particular or parochial interests subsume any national interest that a President is elected to represent.

Judge Laurence Silberman, writing for the appeals court (and alluding to Alexander Hamilton along the way), noted: "The ability to discuss matters confidentially is surely an important condition to the exercise of executive power. Without it, the President's performance of any of his duties . . . would be made more difficult. In designing the Constitution, the Framers vested the executive power in one man for the very reason that he might maintain secrecy in executive operations."

Alas, the Clintonites, as is their wont, again allowed hubris to smother mere principle. Instead of a more well-



Vincent Foster

defined operation, they went secret over changing the entire American health care system. Even defenders of executive authority would blanch at such imperial overstretch.

And so now the Clintons will discover the pleasures of the litigation explosion as defined by former Vice President Dan Quayle. Instead of doing productive work, they will spend days bringing forth box after box of documentation, while arguing with a judge about "intermittent" vs. "full-time"—just the way private companies do for the federal prosecutors and agency bureaucrats who enforce the kinds of vague laws that the Clintons' political philosophy favors. Dan Quayle has further details.

As for Iran-Contra, we suspect that Vincent Foster and Ollie North might

hit it off. After all, we're supposed to believe that the health task force "officially" disbanded on May 30, and so FACA's requirements are moot. That is, we're supposed to believe that Mrs. Clinton and her associates will never ever hold off-the-books meetings with "non-government" advisers to get the reform plan finished.

Mr. Foster's boss, Bill Clinton, often rails against the gridlock of the "last 12 years." For that reason, we're glad that the case of *Association of American Physicians and Surgeons v. Hillary Rodham Clinton, et al.* has given a Democratic administration the opportunity to explore the questions of presidential authority discussed by Judge Silberman and his colleagues in their decision for the White House.

Journal, 7/19/93

REVIEW & OUTLOOK

What's the Rush?

So the gang that pulled the great travel office caper is now hell-bent on firing the head of the FBI. The news reports say that William Sessions has already offered to resign pending approval of a successor; we wish someone would explain to us the hurry.

The FBI director, whatever the incumbent's shortcomings, was given a 10-year term to provide some measure of political independence. To be sure, the President has a right to fire the director, as President Truman fired General MacArthur. But that is not to say every incoming president is justified in firing an incumbent and appointing his own director. We do not want law enforcement put at the disposal of this or that political faction.

If Mr. Sessions is fired it will of course be for ostensible cause, as the travel office firings were over expense records. His sin was to take his wife on his government airplane, and to claim for tax purposes that his limousine was a law enforcement vehicle because he carried firearms in the trunk. Even if he did not use the plane for haircuts, this is apparently deemed reason for summary dismissal. In the travel office case, by contrast, Associate White House Counsel William Kennedy III earned a meaningless letter of reprimand for misusing the FBI's investigative powers.



William Sessions

We hope Mr. Sessions pointed this out to White House Counsel Bernard Nussbaum; who sat in with Attorney General Janet Reno and Deputy Attorney General Philip Heymann in the shoot-out with Mr. Sessions on Saturday. Also present was Associate Attorney General Webster Hubbell, the man who brokered a meeting that resulted in the Justice Department re-

versing its position in the corruption trial of a member of congress. Mr. Hubbell and Mr. Kennedy are alumni of Little Rock's Rose Law Firm, as are Mrs. Clinton and Deputy White House Counsel Vincent Foster, both of whom were involved in the travel-office affair.

The leaks on Saturday's meeting are that Webb Hubbell et al. told Mr. Sessions to resign or be fired, probably today; on the way out he stumbled on a curb and broke his elbow. Presumably Mr. Sessions is leaving sooner or later; the conventional wisdom within the Washington Beltway has certainly run against him, for whatever that's worth. He has apparently alienated important subordinates, perhaps because he's a poor administrator. Or perhaps, as he claims, because of his efforts to promote blacks and women. The opposition has a bipartisan patina, since the charges against him were originally leveled by Bush Attorney General William Barr on his last day in office.

The original Bush administration investigation, it should be carefully noted, was announced immediately after it became public that the FBI had launched an investigation into the controversial prosecution of the head of the Atlanta branch of the Banca Nazionale del Lavoro over illicit loans to Iraq. Mr. Barr's own investigator, a prominent former judge, cornered the Justice Department handling of the BNL case, but we're not sure the final word has been heard.

President Clinton met Friday with Federal Judge Louis J. Freeh of New York, reportedly the leading contender as Mr. Sessions' successor. Judge Freeh is fine by us, but his meeting with the President only deepens the mystery over the hurry. If the choice of a successor really is imminent, why not get him nominated? If Mr. Sessions resigns we

worry that Judge Freeh, given the record of the Clinton appointments process, may trip over a Kimba problem or somesuch. The agency would be left adrift and the appointment up for grabs.

Our Washington bureau reported in March that the administration was intent on getting rid of Mr. Sessions in order to replace him with Richard Stearns, a judge on the Massachusetts Superior Court. Judge Stearns and President Clinton were war protesters together as Rhodes Scholars at Oxford. Judge Stearns was also a deputy campaign manager in George McGovern's 1972 presidential race, as well as national director of delegates in Sen. Edward Kennedy's 1980 presidential nomination bid.

This kind of appointment would be another matter indeed. We are far enough along toward making the FBI

job a political football. Mr. Sessions is leaving under attack from various quarters; his predecessor, William Webster, left to become Director of Central Intelligence, only to resign that job rather abruptly. Strange things are going on in law enforcement, as the BNL and BCCI cases show. The mores on display from the Rose alumni are far from confidence-building. It seems to us Mr. Sessions would do the nation and his agency a favor to stand by his position, leaving when a successor is ready or letting the President take full responsibility for a firing.

Why don't serious people understand this immediately? What kind of a political culture do we have where the big issue is not whether the FBI director fairly enforces the law, but whether he takes his wife on an airplane?

EXHIBIT 7
COMMENCEMENT ADDRESS
By
VINCENT W. FOSTER, JR.

AT
THE LAW SCHOOL
UNIVERSITY OF ARKANSAS
FAYETTEVILLE, ARKANSAS

MAY 8, 1993

There are rare and wonderful occasions when one of the giants in the legal profession articulates a vision of what lawyers ought to be. Those words should be read, reread, treasured and heeded. Such was the vision Vincent Foster captured for all of us in his commencement address to the graduating class of the University of Arkansas School of Law on May 8, 1993, a school where 22 years before he graduated first in his class.

E. Lamar Pettus
President
Arkansas Bar Association



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THE ARKANSAS BAR ASSOCIATION
400 W. MARKHAM
LITTLE ROCK, ARKANSAS 72201

ROADS WE SHOULD TRAVEL

COMMENCEMENT ADDRESS

BY VINCENT W. FOSTER, JR.

Dean Strickman, Dr. Leflar, honored faculty of the University of Arkansas School of Law, class of 1992, family and friends, I cannot tell you what a thrill it is to return to these beautiful hills and celebrate with you the completion of your law school career.

It is humbling for me to deliver this message from a stage shared by so many outstanding teachers, many of whom taught me well. What a challenge it is for any commencement speaker, let alone this one, to attempt to develop and convey to you an uplifting message with my staying power whatsoever, knowing full well the wide range of emotions which are preoccupying you at this moment: Your senses of achievement, appreciation, satisfaction, relief, survival and perhaps apprehension; and particularly some sense of impatience for this speaker to get on with it, deliver his remarks so that you may receive congratulations from your family and friends.

Governor Cuomo reports that when he was first asked to speak at a graduation he sought advice out from Father Flynn, then the president of St. John's University. Commencement speakers, said Father Flynn, should sink of themselves as the body at an old-fashioned Irish wake. They need to have you there in order to have the party but they don't expect you to say much.

When Dean Strickman, in Washington a few weeks ago, conveyed to me the invitation, I protested that I was not only unworthy of the honor but unprepared for the experience.

You see, I skipped my commencement ceremonies some 22 years ago. This is the first law school exercise that I have ever attended.

The law school commencement at that time was a mass joint enterprise with all the other schools on campus, and since I have not been much on ceremony, and since I felt I knew everything there was to know, I rationalized that I should rush to Little Rock to assume my new job and save on the rental gown. My wife, Lisa, who put me through law school with much personal, professional and financial sacrifice, would have been relegated to the balcony and did not object.

Maturity and experience have taught us that we were wrong. We had much to learn and time to spare. We would have benefited from one last celebration with our professors and our friends and families, and we would have profited by pausing one more time to think about where we had come from and where we were going and what roads we should travel.

This invitation has caused me to stop this hectic and challenging adventure I am on in Washington to think about the roads I have traveled to get there and the roads I wish I had traveled. This reflection has focused me on some turmoil on the roads before you — the choices and opportunities and challenges you will have as lawyers of this time and place in history.

I congratulate you on this achievement. You have sacrificed a considerable amount of your time on earth. You have mastered a strange new language. You have postponed the start of your vocation. You've experienced a full measure of peer competition. You've been swept up in rapid rumors in job opportunities and job conditions. You've changed your daily work ethics, and you have forgone many of life's simple pleasures. Some of you have earned special recognition this afternoon, and we all congratulate you.

But, tomorrow, my friends, the slate is wiped clean again. Prospective clients don't inquire about class rank. The local bar association you will join does not have a special class of membership for law review staffs. Judges and jurors will not ask to see your resume.

You will be evaluated instead by your product, your energy, your temperament and your backbone. The reputation you develop for intellectual and ethical integrity will be your greatest asset or your worst enemy. You will be judged by your judgment.

The practice of law you've already learned does not lend itself to true-and-false analysis. If the problem is black or white, the client does not need a lawyer.

Instead, your challenge will be to use your education and all your life's experiences to exercise good judgment to select from among the shades of gray.

Practice law with excellence, with pride in your product. Treat every pleading, every brief, every contract, every letter, every daily task as if your career will be judged on it.

Each client is entitled to your best effort. Practice law with a heart. The clients you represent will remember you long after you have forgotten their names. While routine for you, what you are doing for them may be the most important thing in their lives.

For most, you'll be the only lawyer they will ever come into contact with, and they form their perception of our justice system and your profession on how you treat them as a person and the quality of your work.

Practice law with consideration and courtesy. No matter how righteous the cause or clear your victory,

assure that your adversary with his or her client leaves with dignity.

As Judge Perry Whitmore in Little Rock used to tell us, you can disagree without being disagreeable. Besides, your adversary today may be your judge tomorrow.

Following the bar exam, your most difficult test will not be of what you know but what is your character. Some of you will fail.

The class of 1971 had many distinguished members who also went on to achieve high public office. But it also had several who forfeited their license to practice law. Blinded by greed, some served time in prison.

I cannot make this point to you too strongly. There is no victory, no advantage, no fee, no favor which is worth even a blemish on your reputation for intellect and integrity.

Nothing travels faster than an accusation that another lawyer's word is no good. A judge who catches you in a disingenuous argument or a mis-characterization of a case will turn hard of hearing when you next show up to argue.

Dents to the reputation in the legal profession are irreparable. Every lawyer I know carries around a mental black book which is recorded in indelible ink the names of his adversaries who breached the presumption of good-faith dealing.

Each of you, I hope, will strive always to set your professional goals and your personal goals out there just barely at the end of your reach. Stretch your talents, grasp beyond the closest branch, take a risk, stick your neck out, speak your mind, challenge the status quo and conventional wisdom. Do not just accept responsibility. Chase it down.

You will have failures and disappointments. Take comfort in knowing that opinions of those who really matter will never be as forgiving of your failures or as admiring of your victories as they are at this stage of your career.

Sometimes doing the right thing will be very unpopular with your other clients and with the pundits at the local coffee shop. When the heat of controversy swarms around you, the conviction that you did the right thing will be the best salve and the best sleeping medicine.

Listen to each other; listen to older lawyers. If I could have one wish for each of you, it would be to find a mentor who will bring you along, and whose values will be the ones you admire and absorb. In my experience, that is the critical key to professional success and happiness.

Even with such a mentor you will go home some nights feeling like you never want to practice again - the way you've done here after an exam or a Moot Court argument went badly.

But you will go home other days anxious to get back again and slay the dragon. In a few short years you will be a mentor to some new lawyer. Start preparing now to be a good one, to be the kind of mentor that you would want for yourself. Strive to be a lawyer whom other lawyers admire.

Along the way you will receive recognition for achievement, a complimentary newspaper article, an award, a plaque, and if the gods are with you, maybe even a commencement address. When you smile for the camera and bask in the applause and take your bow, pause and reflect and recognize who helped you get there. Your spouse, your law partner, your parents, your friends.

Because there will also be failures, and criticisms and bad press and lies, stormy days and cloudy days, and you will not survive them without the support of those same spouses, law partners and friends. So it is.

I pause: Three weeks ago my wife, Lisa, and I celebrated our 25th anniversary, and it was here in Fayetteville in law school where we celebrated our first. Like many in this audience, she began by putting me through law school. For 22 years she has always encouraged me to persevere and aim higher. She has been my editor, my jury consultant and my best friend. I wish for all of you, a Lisa.

A word about family: You have amply demonstrated that you are achievers willing to work hard, long hours, to set aside your personal lives. It reminds me of that observation that no one was ever heard to say on their death bed, I wish I had spent more time at the office.

Balance wisely your professional life and your family life. If you are fortunate to have children, your parents will warn you that your children will grow up and be gone before you know it. I can testify that it is true. God only allows us so many opportunities with our children to read a story, go fishing, play catch, say our prayers together. Try not to miss a one of them. The office can wait. It will still be there when your children are gone.

This ceremony is called a commencement because it's a new journey. Your law school studies are completed, but your education is just under way. Continue to study, but don't limit your studies to the law. If you strive to become a great lawyer, you must be more than a lawyer.

We are defined as persons and lawyers by the depth and variety of our experiences. Continue to broaden your horizons. Read religiously - works other than law.

Travel. By all means travel every chance, everywhere you can. Travel the back roads, not the interstates. Mingle with those of different backgrounds and cultures and ages.

Quietly observe your fellow man. Sit still and listen to those who are different from you. Look and listen for the values that you share, which you have in common.

tolerance does not come naturally to any of us. You must work at it. We all must work harder at it.

Take time out for yourself. Have some fun, go fishing, every once in a while take a walk in the woods by yourself. Learn to relax, watch more sunsets. Those of you who do not have your life planned out, don't worry. I wouldn't turn out the way you planned it in any event.

I know there is a tendency to want a job with the expectation that it will be your sole life's work, but I hope that does not prove to be the case for you.

Having waited 22 years to make my first career change, as satisfying and successful as that first career was, today I would travel a number of different routes instead.

I hope you will consider trying the wide variety of professional opportunities that the practice of law will offer you. Spend some time in public service, whether as an assistant to the prosecutor or a public defender, or a legal service program. Or go to Washington and work for a congressional delegation or one of the federal agencies. Or go to your state capitol and work for a state agency or state commission. Or run for the legislature, school board, city council, or teach at your community college.

But whatever you do, choose a professional life that satisfies you and helps others. If you find yourself getting burned out or unfulfilled, unappreciated or the profits become more important than your work, then have the courage to make a change.

Public service, even volunteer service, presents difficult choices for you, I know. Those of you who have student loans, have deferred buying homes, and deferred other material objects, and you are anxious about the debt, you are anxious about the job market. I understand. But there will be ample time and opportunity for you to make a good living.

But it won't be enough for you to make all the money you can. No matter how successful you are financially, your professional lives will be unhappy if you do not devote some measure of your task to improving your profession and your community. You can do good and still do well.

The First Lady said it best recently. She said service means you get as well as you give. Your life is changed as you change the life of others. It is the way we find meaning in our lives.

Now, I am not under any illusion about why I was invited here today. I know that 48-year-old commercial trial lawyers are not on the short list of graduation speakers. It must have something to do with my recent job change.

That job change has either added credibility to my voice or made me somewhat of a curiosity. And some would ask what motivates one with a comfortable practice in a prominent law firm, to dislodge his family for a new job with longer hours, with half the pay, in a

city that costs twice as much to live.

But the reason I am on this new adventure in Washington is because our country is in transition. The people, the citizens, have demanded a change in our government. They are talking back to it in record numbers. The President receives almost a million letters a month. The White House phone lines are jammed.

Middle-aged Americans all over this country are volunteering to join the administration, to leave lucrative practices and businesses, and to participate in changing our government. Washington is teeming with young people just like you, from all over this country, from all walks of life, who have a sense of a common purpose and desire to be involved.

When we leave work at night, we pull up to a large heavy gate that surrounds the White House complex. While the Secret Service guards slowly open that gate, I always look to my right, and inevitably there are dozens of people aligned along that iron fence that runs along Pennsylvania Avenue, holding on the bars, peering through intently at the White House lit in the background.

When I look into their faces, I can tell that each has hope for something from their government. It is a wonderful reminder of why we are there. I am more encouraged than I have ever been that the pendulum has begun to swing back; that there is a renewed spirit of common purpose; that Americans, particularly your generation, are again acknowledging that it is the duty of all of us to use all that we have been given to make this a better world, not just for ourselves or our families, but for everyone on this earth.

In my job I have now found myself surrounded by young people just like you, who have energized me with their vigor, their optimism, their new ideas. I sense that same spirit in this auditorium today, this auditorium made for optimists and doers.

I have the feeling that you are believers and doers who will make something better of what we have handed you. You are the reason for hope because you can be the agents for change - change of your community and change of your legal profession.

The President last week addressed a group just like you. And he said, "Our country needs you. We need your knowledge, your initiative and your energy. We need you because you are still free of the cynicism that has paralyzed too long your parents and your grandparents who led us to spend too much time talking about what we can't do, instead of seizing what we can do."

Like those people along the iron fence on Pennsylvania Avenue, I look into your faces and I see your potential to restore responsibility to our profession and to our society. I see your potential to restore a sense of community, to use your talents to help others and to be fulfilled. God bless you and good luck to you.

EXHIBIT 8COMMONWEALTH OF VIRGINIA
DEPARTMENT OF HEALTH**OFFICE OF THE CHIEF MEDICAL EXAMINER**

NORTHERN VIRGINIA DISTRICT

6787 BRADDOCK ROAD

SUITE 100

FAIRFAX, VA 22032-1700

PHONE (703) 764-4640

Autopsy No. 353/93
Date 7/21/93
Time 10:00 A.M.**REPORT OF AUTOPSY**Decedent VINCENT First Middle LastAutopsy Authorized by: Dr. Donald Hauc - Fairfax County

Persons Present at Autopsy:

Identified by: U.S. Park Police Tag - 7/20/93James C. Beyer, M.D.; Det. James G. Morrisette, U.S. Park Police

For: complete X jaw _____ neck _____ arms _____ legs _____
 or: color pale red distribution posterior
 Age 48 Race W Sex M Length 76 1/2" Weight 197 Eyes hazel Pupils: R RRR L RRR
 Hair graying black Mustache no Beard no Circumcised yes Body Heat cool

X-ray, Personal Effects, External wounds, scars, tattoos, other identifying features: See attached sheet.

TOLOGICAL DIAGNOSIS:

CIRCULATORY SYSTEM: Heart, no evidence of hypertrophy, valvular or congenital malformations. Epi and endocardium, no evidence of fibrosis or inflammation. Coronary arteries, normal origin and distribution; no significant alteration all segments. Atrium, no evidence of fibrosis, inflammation or infarction. Aorta, minimal atherosclerosis.

RESPIRATORY SYSTEM: Larynx, trachea and bronchi, no evidence of trauma, obstruction or inflammation. Lungs, pulmonary congestion; aspiration or blood. No evidence of pneumonia or pulmonary artery emboli. Hemidiaphragms intact.

ENT: No evidence of trauma or inflammation.

ENT: No evidence of trauma.

TESTES, ADRENAL AND THYROID GLANDS: No significant alteration.

TRACT: No evidence of trauma, hemorrhage or inflammation.

GENITOURINARY TRACT: Kidneys, no evidence of trauma or inflammation. Urinary bladder and ureters, no significant alteration.

WOUND: Perforating gunshot wound - entrance in mouth in posterior oropharynx with wound extending backward and upward with exit from back of head.

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 CONTENTS NOT TO BE DUPLICATED

Cause of Death:

PERFORATING GUNSHOT WOUND MOUTH - HEAD

Provisional Report _____

Final Report /

Facts stated herein are true and correct to the best of my knowledge and belief

Date Signed July 28, 1993Place of Autopsy NO VA ME OFFICESignature of Pathologist J. C. Beyer
James C. Beyer, M.D.

Form No. 10—Revised 6/89

A COPY TESTE: JUL 28 1993
J. C. Beyer

GROSS DESCRIPTION

RA, PERITONEUM
 RICARDIUM: Intact, smooth and glistening.

T: 330 gm. No valvular or congenital abnormalities. Epi and endocardium, thin and transparent. Coronary arteries, normal origin and distribution; right coronary artery predominant; no significant alteration all segments. Right ventricle 3 mm.; left 13 mm. The myocardium is intact and grossly free of any signs of fibrosis, inflammation or infarction. Aorta, minimal arteriosclerosis.

S: Right 870 gm.; left 840 gm. Larynx, trachea and bronchi, intact and free of trauma, obstruction or inflammation. Both lungs are intact and on section there is extensive congestion as well as aspiration of blood. No evidence of inflammation or pulmonary artery emboli. Hemidiaphragms intact.

R: 1640 gm. Capsule is intact and smooth and the free edges are sharp. On section there is no evidence of trauma, fibrosis or nodularity.

BLADDER: No significant alteration.

EN: 130 gm. Capsule intact.

TEAS, ADRENAL
 CROID GLANDS: No significant alteration.

TRACT: Stomach contains a considerable amount of digested food material whose components cannot be identified. No evidence of hemorrhage or inflammation.

YS: 140 gm. each. The capsules strip with ease to reveal an intact pale smooth surface. No trauma or inflammation.

RY BLADDER: Wall intact; urine clear.

ALIA: No significant alteration.

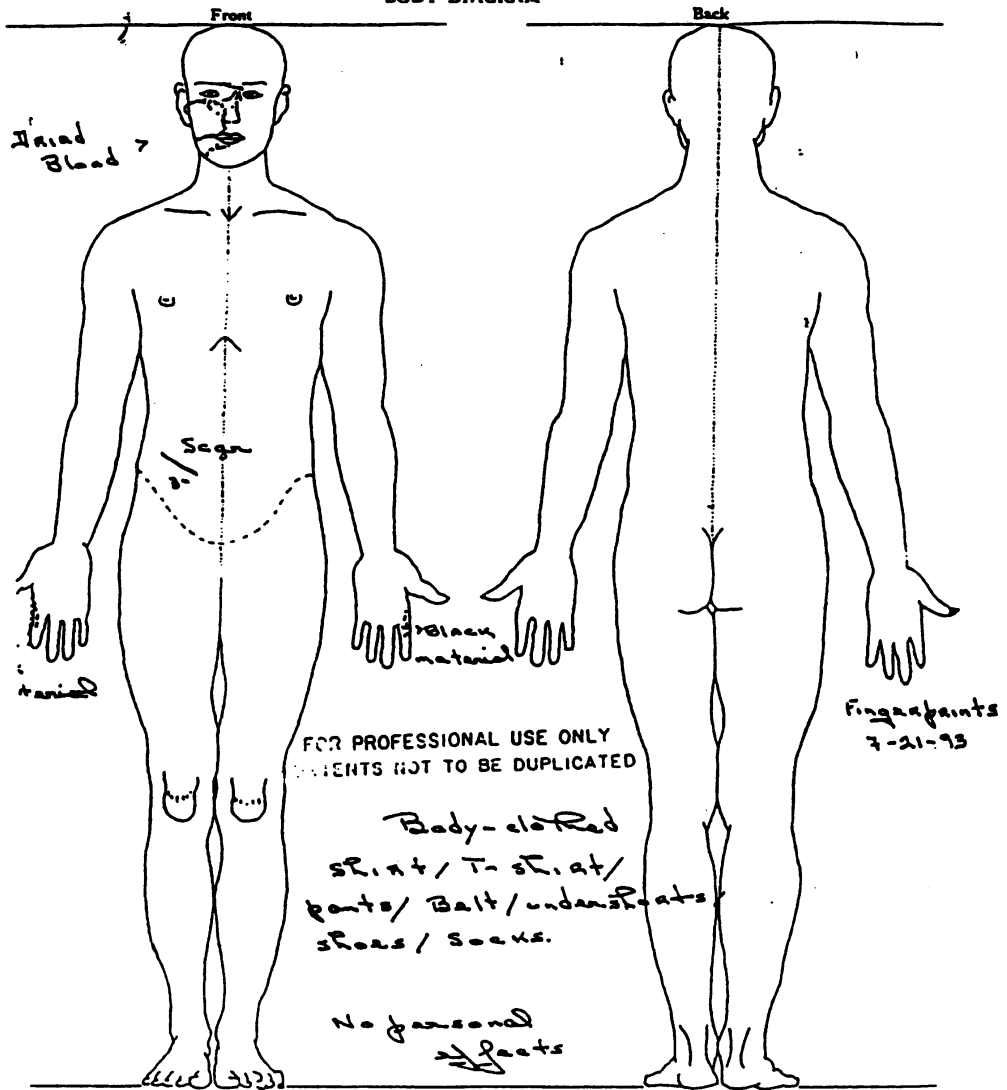
I: 1420 gm. Perforating gunshot wound mouth-head; entrance wound is in the posterior oropharynx at a point approximately 7½" from the top of the head; there is also a defect in the tissues of the soft palate and some of these fragments contain probable powder debris. The wound track in the head continues backward and upward with an entrance wound just left of the foramen magnum with tissue damage to the brain stem and left cerebral hemisphere with an irregular exit scalp and skull defect near the midline in the occipital region. No metallic fragments recovered.

OSCOPICS: Section of lung reveals alveolar filling by red blood cells; in the liver 3 to 4% of liver cells contain fat vacuoles. Sections of soft palate positive for powder debris.

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OTHER LABORATORY PROCEDURES. TOXICOLOGY ☐ BACTERIOLOGY ☐ DENTAL CHART ☐ X-RAY ☐ FINGER-PRINT ☐
 PHOTOGRAPHY ☐ SEROLOGY ☐ FORENSIC SCIENCE ☐

BODY DIAGRAM



Decedent's
Height 76 1/2 inches

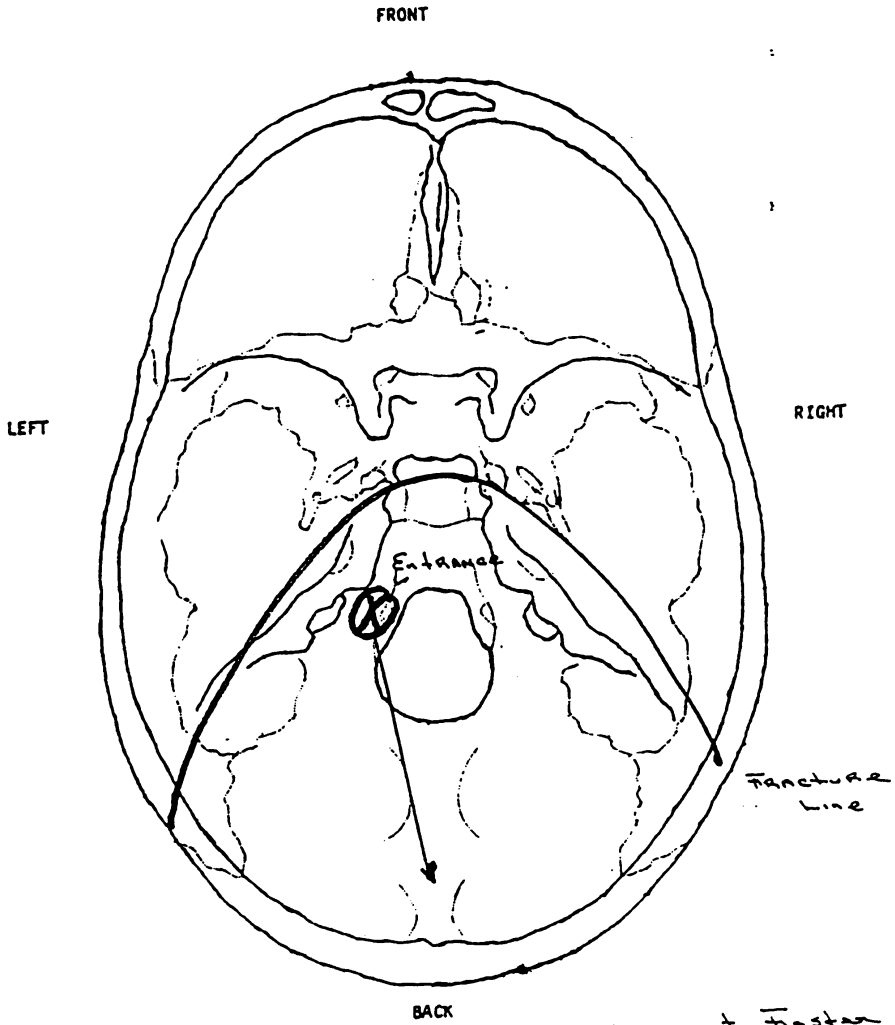
Name Vincent Testa

Examined

By

H.O. Bayer

Date 7-21-93

CWH
8/1/92FOR PROFESSIONAL USE ONLY
CONTENTS NOT TO BE DUPLICATED

Vincent Foster

D. C. Bayan

7-21-93

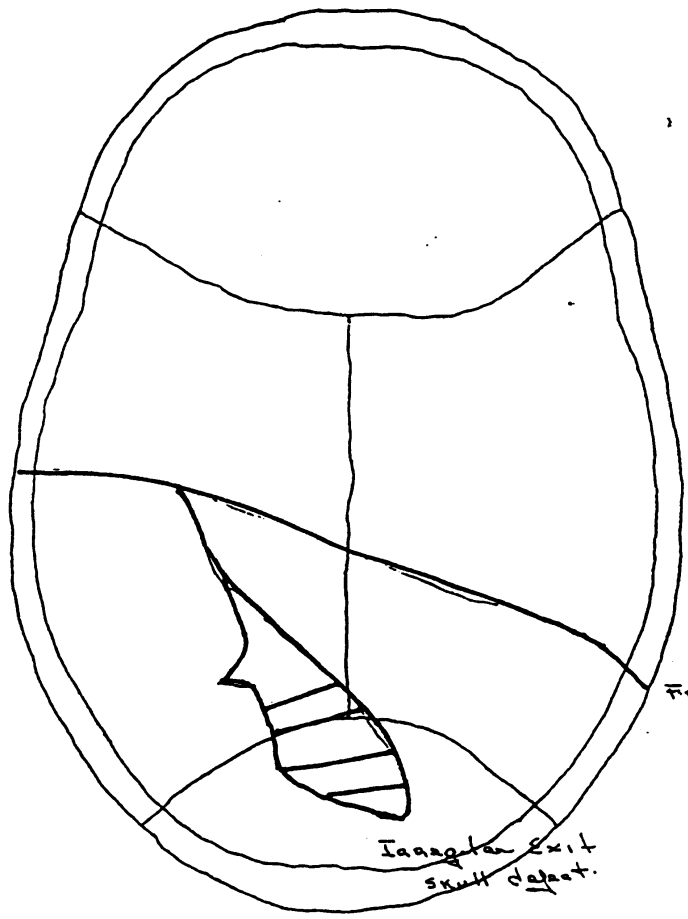
copy
8/1/93

FRONT

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RENTS NOT TO BE DUPLICATED

LEFT

RIGHT



Fracture Lines

Jagged Exit
Skull defect.

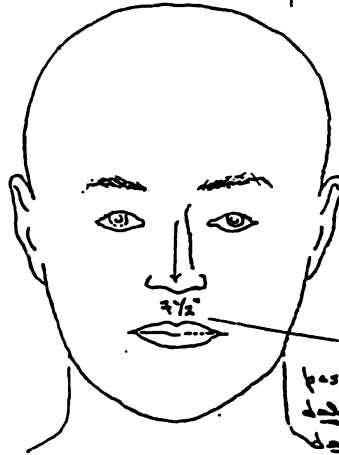
BACK

Vincent Foster

D.O. Bayan 7-21-93

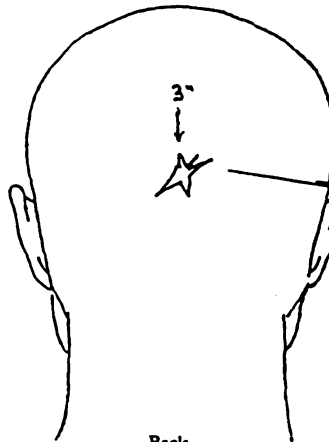
Coul
2/1/93

BODY DIAGRAM—HEAD



Front

Entrance - mouth -
posterior oropharynx - large
defect - soft palate
defect / powder debris
identified.



Back

Penetrating
Gunshot wound

Exit wound -
Irregular wound
1 1/4 x 1"

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Decedent's Name Vincent Foster

Examined

By

J. C. Bayan

Date 7-21-93

C.M.
11/10

GUNSHOT WOUND CHART

Name Vincent Foster City or County Trinidad

		WOUND NO.											
		1		2		3		4		5		6	
		Ent.	Ex.	Ent.	Ex.	Ent.	Ex.	Ent.	Ex.	Ent.	Ex.	Ent.	Ex.
1. Location of wound:	Head	new	new										
	Neck												
	Chest												
	Abdomen												
	Back												
	Right												
	Arm < Left												
	Right												
	Leg < Right												
	Left												
2. Size of wound:	Diam.												
	Width												
	Length		1 1/4										
3. Inches from wound to:	Top of head	7 1/2	3										
	Right of midline												
	Left of midline												
4. Powder burns:	On skin	9.25	9.25										
	Clothing												
	Absent												
5. Direction of bullet through body:	Backward	✓											
	Forward												
	Downward												
	Upward	✓											
	To right												
	To left												
6. Bullet found:	Calibre	—	—										
	Shotgun												

Photographs made: Yes ☒ No ☐X-rays made: Yes ☒ No ☐

MARKS:

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CONTENTS NOT TO BE DUPLICATEDExamined by: J. C. P. Owen

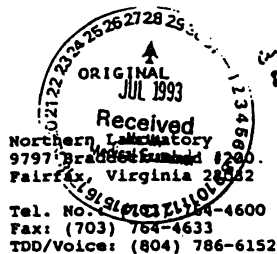
Date: 7-21-93



Commonwealth of Virginia
Department of General Services
DIVISION OF FORENSIC SCIENCE

CERTIFICATE OF ANALYSIS

July 26, 1993



DR JAMES C BEYER
OFFICE OF THE CHIEF MEDICAL EXAMINER
NORTHERN VIRGINIA DISTRICT
9797 BRADDOCK ROAD # 100
FAIRFAX VA 22032

cc: Dr. Haut

ur Case # 93-353

FS Lab # NL93-4271

ctim(s): FOSTER, Vincent

spect(s): - - -

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Evidence Submitted By: Dr. J. C. Beyer

Date Received: 7/21/93

Evidence had been sealed upon receipt.

1 vial blood, 1 vial vitreous humor, 1 container blood,
1 container urine, 1 container liver.

RESULTS:

1. VITREOUS HUMOR AND URINE: Negative for alcohols and ketones.

2. - Phencyclidine, Morphine, Cocaine and Benzoyllecgonine: NOT DETECTED.

- Other alkaline extractable drugs (benzodiazepines, synthetic narcotics,
tricyclic antidepressants and analgesics): NOT DETECTED.

- Acidic and neutral drugs (salicylates, barbiturates, hydantoins, carbamates
and glutethimide): NOT DETECTED.

3. - Drug screen (salicylates, phenothiazines and ethchlorvynol): NOT DETECTED.

ST:

I certify that I performed the above analysis or examination as an employee of the Division of Forensic Science and that
above is an accurate record of the results of that analysis or examination.

Anh N. Huynh
Anh N. Huynh, Pharm.D.
Toxicologist

/ps

A COPY TESTED: JUL 29 1993
J. C. Beyer
Assistant Chief Medical Examiner

EXHIBIT 9

GWMP

Fort Marcy Artifact Inventory

NOE0

Harness, Hardware, Horseshoe (1), Ferrous

NOE15

Unidentified, Metal Object, Ferrous

N5E0

Hardware, Screw, Pitcock?, White metal

N5E5

Military, Button, w/ Eagle, Copper alloy

N5E10

Ammunition, Minie Ball, .57 Caliber, Lead
Ammunition, Shot, Lead

N5E15

Coin, Penny, 1969, Copper

N5W5

Hardware, Nail, Common, Ferrous

S5E10

Hardware, Nail, Common, Ferrous
Hardware, Nail, Unidentified, Ferrous

S5E15

Ammunition, Minie Ball, .57 Caliber, Lead
Military, Button, w/ Eagle, copper alloy
Hardware, Nail, Common (4), Ferrous

S5E20

Container, Barrel, Hoop (2), ferrous
Military, canteen Lip, white metal

N10E0

Hardware, Nail, Rosehead, Ferrous
Unidentified, Metal Object (Cog tooth?), Ferrous
Hardware, Clasp, Haversack, Copper alloy
Hardware, Wire, White metal

N10E10

Hardware, Nail, Common (8), Ferrous
Hardware, Nail, Unidentified, Ferrous
Hardware, Wire (3), Ferrous

N10W5

Hardware, Nail, Rosehead (2), Ferrous
Hardware, Nail, Common, Ferrous
Hardware, Nail, Unidentified, Ferrous

N15E0

Ammunition, Minie Ball, .57 Caliber, lead
 Container, Unidentified, Lid, White metal
 Fort Marcy Inventory (cont)

N15E5

Ammunition, Minie Ball, .57 Caliber (2), Lead
 Ammunition, Minie Ball, .69 Caliber, Lead
 Ammunition, Minie Ball, .57 Caliber, Lead

N20E0

Toy, marble, Glass
 Ammunition, Minie Ball, .57 Caliber, Lead
 Hardware, Nail, Unidentified, Ferrous

PATH BELOW GRID

Ammunition, Minie Ball, .57 Caliber, Lead
 Unidentified, Metal Object, Ferrous
 Hardware, Rivet, Haversack, Copper Alloy
 Ammunition, Cartridge Case, Brass
 Container, Can, Pull Tab (2), Aluminum
 Machinery, Plate, White metal
 Hardware, Nail, Common, Ferrous
 Harness, Hardware, Horseshoe, Frag, Ferrous
 Hardware, Spike, Ferrous



U. S. Department of Justice

Office of the Independent Counsel

1001 Pennsylvania Avenue, N.W.
Suite 490-North
Washington, D.C. 20004

202-514-8688

August 3, 1994

The Honorable Donald W. Riegle, Jr.
Chairman, Senate Committee on Banking,
Housing and Urban Affairs
SD-534, Dirksen Senate Office Building
United States Senate
Washington, D.C. 20510

The Honorable Alfonse M. D'Amato
Ranking Minority Member, Senate Committee
on Banking, Housing and Urban Affairs
SD-548, Dirksen Senate Office Building
United States Senate
Washington, D.C. 20510

Dear Senators Riegle and D'Amato:

I respectfully submit this letter to supplement my testimony of July 29, 1994, to provide information not readily available to me during the hearing.

First, I was asked about the nature and extent of our investigation into the question of whether Vincent Foster learned that a search warrant had been or would be issued for the premises of Capital Management Services, Inc. ("CMS"). As I stated during my testimony, we have found no evidence that Mr. Foster had that information. We have already provided the Committee with the interview report of Assistant United States Attorney Fletcher Jackson.

As I indicated during my testimony, the FBI conducted further investigation on the question of whether Mr. Foster had learned about the search warrant. Enclosed herewith are reports of interviews with former Acting United States Attorney, Richard Pence, and Assistant United States Attorneys Brent Bumpers and Kenneth Stoll. I recently have learned that the Office of the Independent Counsel inadvertently failed to provide FBI reports of these interviews to the Committee. In addition to the above-mentioned interviews, further investigation was conducted including the issuance of a grand jury subpoena to obtain records for the

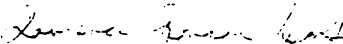
purpose of gathering evidence on the question of whether there had been communications between the Little Rock United States Attorney's Office and individuals at either the White House or at the Department of Justice on the subject of the search warrant. I am precluded by Rule 6(e) of the Federal Rules of Criminal Procedure from informing the Committee of the substance of either the subpoena or the records received in response. However, I can state that these records provide additional support for the conclusion that Mr. Foster did not learn about this search warrant.

Second, I was asked about Mr. Foster's White House pager that was recovered by the United States Park Police ("Park Police"). We know from the Park Police that the pager was turned off at the time it was recovered. Pages cannot be received if the pager is turned off. We also know that the Park Police returned the pager to the White House in the days following Mr. Foster's death. We have no information about what, if any, messages may have been in the pager's memory at the time it was returned to the White House. When we issued subpoenas to the White House in early May for records relating to Mr. Foster, we asked for his pager to explore the possibility that it retained messages received by Mr. Foster. We were informed that the pager had been reassigned and because it is currently used by someone in the White House, it is impossible to retrieve any messages that may have been sent to Mr. Foster on July 20, 1993.

Third, I was asked about the interview conducted with C. Brantley Buck. As I indicated in my testimony, Mr. Buck attempted to reach Mr. Foster by telephone on the date of his death, but was unsuccessful. As I further stated, we learned from Mr. Buck that he was attempting to reach Mr. Foster about the completion of legal documents relating to the creation of a blind trust for the President and Mrs. Clinton.

I believe this addresses the outstanding questions from my testimony. I would appreciate it if this letter could be made a part of the record of the hearing.

Respectfully submitted,



Lawrence Monroe
Special Agent
Federal Bureau of Investigation

CONFIDENTIAL

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 5/20/94

RICHARD M. PENCE, JR., born October 29, 1943, in Conway, Arkansas, residing at Little Rock, Arkansas, telephone _____ was contacted at his place of employment, the United States Attorney's Office, 425 West Capitol, 5th Floor. Mr. PENCE was advised of the identity of the interviewing Agents and of the purpose of the interview. Information provided by Mr. PENCE, in part and in substance, is as follows:

Mr. PENCE stated that he is currently the Chief of the Civil Section of the United States Attorney's Office for the Eastern District of Arkansas. He was acting as interim head of the United States Attorney's Office during July 1993. He recalled that Assistant United States Attorney (AUSA) FLETCHER JACKSON informed him about a search warrant which was to be executed during July 1993. This search warrant was to be executed at the Office of CAPITAL MANAGEMENT SERVICES, INC., which was under the direction of DAVID HALE.

He said that he was made aware of the search warrant, about one or two days before the warrant was to be executed, due to his position as acting head of the United States Attorney's Office. After having been told about the search warrant, he spoke with no one else about it until he heard from AUSA JACKSON that the search had gone smoothly. He said he could not remember the exact date of the execution of the search warrant but recalled that it occurred on the same day or within one or two days of the death of VINCENT FOSTER.

He stated he received no inquiries from anyone prior to the execution of the search warrant and mentioned that there were no news reports immediately after the search was conducted. He said that he knows of no one else in the United States Attorney's Office who knew about the search warrant prior to its execution, aside from AUSA JACKSON and JACKSON's secretary. He said that he knows of no one at the U.S. Department of Justice in Washington, D.C., who was aware of the search warrant prior to its execution.

Investigation on 5/19/94 at Little Rock, Arkansas File # 29D-LR-35063 Sub 11

OIC 000838

by _____ Date dictated 5/20/94

CONFIDENTIAL

29-LR-35063 Sub 11

Continuation of FD-302 of RICHARD M. PENCE, JR., On 5/19/94, Page 2

He speculated that, if anyone in Washington may have suspected that a search warrant might be planned for CAPITAL MANAGEMENT SERVICES, INC., it would have been someone in the SMALL BUSINESS ADMINISTRATION (SBA) offices there. He was unable to provide details to support his speculation aside from his belief that the SBA would have known about the fact that the FBI was investigating CAPITAL MANAGEMENT SERVICES, INC., based on SBA's referral of alleged fraudulent activities involving that corporation.

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- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 6/29/94

DALE BRENT BUMPERS, born October 26, 1952, currently employed as Assistant United States Attorney (AUSA) for the Eastern District of Arkansas, was contacted at his place of employment at the TCBY Building, 5th Floor, was advised of the identity of the interviewing Agent, the purpose of the interview, and the fact that the interview was being conducted at the direction of Independent Counsel ROBERT B. FISKE, JR.

Mr. BUMPERS confirmed that he was employed as AUSA in the Little Rock United States Attorney's Office during 1993. He stated he does not remember if AUSA FLETCHER JACKSON spoke to him in July of 1993 or at any other time about the investigation of DAVID HALE's business, CAPITAL MANAGEMENT SERVICES, being conducted by the Federal Bureau of Investigation (FBI) at that time, nor does he remember if AUSA JACKSON ever mentioned to him that a search warrant was being planned or was about to be executed on HALE's business. BUMPERS said he believes that AUSA JACKSON never spoke to him about the investigation or the search warrant and that he was not aware of either at the time the search warrant was executed.

BUMPERS said he believes that the first time he heard about the search warrant for CAPITAL MANAGEMENT SERVICES was from someone not affiliated with the U.S. Attorney's Office or the FBI, but someone on the street. He declared he cannot remember who talked to him but believes it was at least a week to a month after the suicide of VINCENT FOSTER. This person mentioned a speculation about a possible connection between FOSTER's suicide and the search of CAPITAL MANAGEMENT SERVICES. The remarks were made in passing, and BUMPERS said he could not remember who mentioned this or why the subject came up. He declared he did not speak with anyone in the U.S. Attorney's Office, the FBI, or anyone else about the investigation and search warrant involving DAVID HALE and CAPITAL MANAGEMENT SERVICES prior to July 20, 1993.

OIC 000840

Investigation on 6/24/94 at Little Rock, Arkansas File # 29D-CR-35063-Sub IV
by _____ Date dictated 6/24/94 11 11 1994

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- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 6/28/94

KENNETH F. STOLL, born October 20, 1943, currently employed as Assistant United States Attorney (AUSA) for the Eastern District of Arkansas, was contacted at his place of employment at the TCBY Building, 5th Floor. He was advised of the identity of the interviewing Agent, the purpose of the interview, and the fact that the interview was being conducted at the direction of Independent Counsel ROBERT B. FISKE, JR.

AUSA STOLL confirmed that he was employed as AUSA in the Little Rock United States Attorney's Office during 1993. He said he was not aware of the Federal Bureau of Investigation's investigation of DAVID HALE's business, CAPITAL MANAGEMENT SERVICES (CMS), in July 1993, nor of the planning and execution of a search warrant on the offices of that business in July 1993. He stated he was never told anything about this investigation or the search warrant by AUSA FLETCHER JACKSON or by anyone else in the United States Attorney's Office.

AUSA STOLL advised that he was not aware of any talk or speculation by anyone about a possible connection between the above-mentioned investigation or search warrant and the suicide of VINCENT FOSTER. He declared that he has never spoken with anyone else about the investigation or search warrant of CMS.

OIC 000841

Investigation on 6/27/94 at Little Rock, Arkansas File # 29D-LR-35063 Sub 19by _____ Date dictated 6/27/94

**DEPOSITION OF JOHN C. ROLLA
IN RE: S. RES. 229**

THURSDAY, JULY 21, 1994

**U.S. SENATE,
COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS,
Washington, DC.**

Deposition of JOHN C. ROLLA, called for examination pursuant to notice of deposition, at 10:20 a.m. in the Dirksen Senate Office Building, Room G-59, before WENDY S. CASWELL, a Notary Public within and for the District of Columbia, when were present:

**GLENN F. IVEY, Esq.
Majority Counsel
ROMAN E. DARMER, III, Esq.
JULIE FALLON, Esq.
IRA PAULL, Esq.
PAUL GOLDENBERG, Esq.
Minority Counsel
Committee on Banking, Housing, and Urban Affairs
U.S. Senate
On behalf of the Committee.**

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WITNESS	EXAMINATION
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by Mr. Ivey	3
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EXHIBITS

DEPOSITION NUMBER	IDENTIFIED
Exhibit 1	7, 478
Exhibits 2 and 2-A	119, 485
Exhibit 3	188, 488

PROCEEDINGS

Whereupon,

JOHN C. ROLLA

was called as a witness and, having first been duly sworn,
was examined and testified as follows:

EXAMINATION

BY MR. IVEY:

Q Good morning. My name is Glenn Ivey. I am
counsel for the Senate Banking Committee. I represent the
majority in this matter. We are investigating the death of
Vincent Foster pursuant to Senate Resolution 229, which
covers a number of different areas, but one in particular
is the death of Vincent Foster. So we are conducting a
deposition pursuant to that in preparation for hearings
leading up to -- I guess they would be next week at some
point -- that are done in furtherance of the resolution so
I will let you know there's a chance you will be called for
the hearings next week. I don't know if you will or not.
That's up to the Senators to decide who they want to call.

Also about the resolution, there could be a
couple of objections that could be raised during the course
of this deposition. One would be if the question calls for

4

an answer that goes beyond the scope of the deposition. I
would ask, if you hear that objection, that you not answer
the question, but you wait until we resolve the objection
and then give an answer.

Another possible objection would be to form. In
the event of that type of an objection, you can go ahead
and answer the question. We would just note the objection
for the record. Obviously this is being taken under oath
and the answers you give are being transcribed, so to the
extent that I can, I ask you that you not guess; if you
give an answer that does contain some guesswork or
speculation, that you let us know what parts of it would be
characterized in that way. Obviously you should tell the
truth and give your best recollection of all the answers.
If you don't recall something, just say that. If you don't
understand the question, let me know, and I will rephrase
it or explain.

I guess you knew you had a right to bring an
attorney with you today, if you wanted to?

A I guess so. I don't know why I need one.

Q All right. Would you state your name, please,
and spell your last name.

- 1 A John C. Rolla, R-o-l-l-a.
2 Q What is your occupation?
3 A Criminal investigator, United States Park Police.
4 Q How long have you served as a Park Police
5 officer?
6 A 10-1/2 years.
7 Q Before you were with the Park Police, what did
8 you do?
9 A I was in college.
10 Q Where did you go to college?
11 A University of Scranton.
12 Q Now, during the course of your employment with
13 the Park Police, did there come a time when you met me?
14 A Yes.
15 Q Okay. When was that?
16 A 1991.
17 Q In what capacity did you meet me?
18 A A drug trial in the district court. You were the
19 prosecuting attorney.
20 Q Have we spoken since the time of that trial?
21 A Just on the phone to set up an appointment to
22 confer about this.
-

- 1 Q When did I call you about this?
2 A Last week.
3 Q Do you remember what we talked about on the
4 phone?
5 A Basic few questions about the suicide.
6 Q Did I ever tell you what to say during the course
7 of this deposition?
8 A No.
9 Q Did I even know you were going to be called to
10 give a deposition?
11 A No. In fact, you told me you didn't think you
12 needed to talk to me any further.
13 Q Did I attempt to influence you or any of your
14 opinions in any way?
15 A No.
16 Q Okay. Did there come a time when you spoke with
17 the FBI about this case?
18 A Yes.
19 Q Do you recall about when that was?
20 A May, April, maybe.
21 MR. IVEY: Let me have this marked as Exhibit 1.
22 THE WITNESS: I am not sure, right around there.

1 (Rolla Exhibit 1 identified.)

2 BY MR. IVEY:

3 Q Let me hand you what's been marked for
4 identification as Exhibit 1 and ask you to take a look at
5 it.

6 A All right. I didn't read the whole thing.

7 Q No, you can look at it.

8 A Go ahead. If I need to I will.

9 Q You will just refer to it, all right. Now, let's
10 talk about July 20, 1993. What was your assignment in the
11 Park Police at that point?

12 A I was the senior investigator on duty in the
13 criminal investigations branch.

14 Q Did there come a time when you received a call to
15 go to for the Marcy Park?

16 A Right. We were monitoring the radio and heard
17 them sending units to locate a possible body.

18 Q Where were you at that point, when the call came
19 in?

20 A In my office.

21 Q Why did you go to the scene?

22 A Well, if there's nothing else going on, any

1 investigator will go on the scene of a body, possible
2 homicide, suicide or something, you know, a number of
3 investigators is good to have on the scene. Also it was
4 the west district and I am the west district detective, so
5 I would handle that area.

6 Q About how long did it take you to get to the
7 scene?

8 A 25 minutes, maybe, 20, 25 minutes.

9 Q Was there any other radio communication while you
10 were en route to the Marcy Park that you can recall?

11 A Specifically this incident or police radio?

12 Q Well, this incident.

13 A Specifically, yes, I think there was radio
14 traffic that just said that Officer Fornshil was on the
15 scene, whatever his call sign was.

16 Q Do you know how to spell Fornshil?

17 A F-o-r-n-s-h-i-l, that's a good guess. That's my
18 best guess. I don't remember, specifically, any
19 transmissions.

20 Q Do you remember anything saying it was a suicide
21 over the radio?

22 A I don't recall. They may have, I don't recall.

1 Q Who was there when you got on the scene?

2 A I arrived on the scene, Christine Hodakievic was
3 there. She was off duty, on her way home, heard the call
4 and stopped there. Fornshil had already left. Sergeant
5 Bob Edwards, Officer Ferstle, I don't remember his first
6 name.

7 Q Officer, sergeant?

8 A Officer Ferstle. The EMT medical units were
9 pulling out when we pulled in, were already leaving.

10 Q Did you have a chance to talk with any of them?

11 A No.

12 Q When you got on the scene, who did you talk with
13 first? Or what did you do first?

14 A I believe we pulled into the parking lot and we
15 parked a couple spaces to the right of what turned out to
16 be Mr. Foster's car, a grayish Honda with Arkansas plates.
17 Officer Ferstle came to the parking lot, met us there, and
18 stated -- this is not all exact, this is from memory.
19 Basically he believed that a deceased up by the second
20 cannon in the park and that they believed that was his car
21 because the suit jacket on the front seat appeared to match
22 the trousers, suit trousers, that the decedent was wearing

10

1 and he didn't have a jacket or a tie on.

2 Q Do you know if they had gone in the car at that
3 point or were they just looking through the windows?

4 A Through the windows. Nobody went in the car.

5 Q What happened after you were told that?

6 A We just wrote the tag down, I think I called
7 communications on the car phone and ran the registration,
8 it came back to Vincent Foster in Little Rock, Arkansas.

9 Q Did the name mean anything to you at that point?

10 A No, no. I am not too politically savvy. It
11 didn't mean anything to me.

12 Q After you ran the tags --

13 A It was actually -- so we, we figured Arkansas,
14 whatever. We went up -- there was a car with two people in
15 it, lovers, whatever, Cheryl Braun interviewed them.

16 Q B-r-a-u-n?

17 A Yes. There was a blue Mercedes, mysterious blue
18 Mercedes that was parked down at the entrance to Fort Marcy
19 with the flashers on, we observed that.

20 Q Why do you say "mysterious"?

21 A Well, the newspaper accounts and everything. It
22 was not mysterious. It's not mysterious. I shouldn't joke

1 around. It's not mysterious.

2 Q All right.

3 A We did observe that. I believe Cheryl
4 interviewed the people in the parking lot, and she was
5 going to handle the parking lot scene. At that point,
6 myself and Investigator Rendi, R-e-n-d-i, Abt, A-b-t, and I
7 think Cheryl Braun initially walked up, Ferstle showed us
8 where the scene was.

9 Q Who was the lead investigator on the scene?

10 A Me.

11 Q How was that determined, who the lead
12 investigator would be?

13 A Well, I was the senior investigator on the scene,
14 and Cheryl just decided that she would take the car scene
15 and deal with that, once we started to deal with it, and I
16 went up there and basically we just decided amongst
17 ourselves I would handle that.

18 Q Did you walk over to where the body was?

19 A Yes. I looked around the scene first. I talked
20 to Sergeant Bob Edwards. There was another officer there.
21 I don't remember his name. I can't place his face, but
22 there was the two of them, two uniforms, one being Sergeant

1 Bob Edwards. They had police tape tied to a tree and
2 around the cannon, I believe.

3 Q Is the officer's name you can't remember Officer
4 Spatz?

5 A Spatz.

6 Q S-p-a-t-z?

7 A Yes, I think it is Spatz. Right.

8 Q How far is it from where the car was parked, or
9 the edge of the parking lot, to where the body was found?

10 A I would have to say anywhere probably from
11 two-tenths of a mile to a quarter of a mile, anywhere in
12 there. It was a good walk, a 90-degree day, uphill.

13 Q Did you see any indications that the body had
14 been dragged from the parking lot to where you find the
15 body?

16 A No. There was no drag marks. Again, the ground
17 is -- it's July in the midst of a drought. The dirt is
18 very packed and dry. It's heavy foliage, there's not any
19 large amount of trampling in the area, other than what
20 would be normal for the officers that went up there and the
21 medic units that went up there. No drag marks.

22 Q Did you see any tire tracks?

- 1 A No, no. A car wouldn't be able to get up there.
2 Q Oh, you couldn't drive a car?
3 A No.
4 Q So after you got to the scene, did there come a
5 point when you started looking at the body?
6 A Yes.
7 Q Who else was around the body when you got there?
8 A Edwards and I guess it was Spatz. That's the
9 other name that was there.
10 Q Okay. Was Simonello there?
11 A Simonello was there.
12 Q What was Simonello doing?
13 A He was getting ready to take pictures.
14 Q What is his role as a Park Police offer?
15 A We call him the Park Police evidence technician,
16 that's what it is, evidence technician, photograph the
17 crime scene, collect the evidence, make the diagram.
18 Q Did he take photographs?
19 A Yes, he did.
20 Q Did you take photographs?
21 A Yes, I did.
22 Q Did you use a Polaroid camera?
-

- 1 A Yes. I used Polaroid. He used a 35 millimeter
2 and apparently, for whatever reason, bad film or whatever,
3 it came out too light or too dark.
4 Q Those are his photographs?
5 A Right.
6 Q Did anybody else take photographs that you are
7 aware of?
8 A I think that Edwards, Sergeant Edwards took a
9 couple of Polaroids, and I told him to give them to me, not
10 having a collection -- you know, I didn't know who this guy
11 was, nobody who this guy was, but we are not going to have
12 a collection of dead body photographs, and I don't think
13 that was their attempt, but a lot of times -- I just wanted
14 to make sure I had everything, and there wasn't anything
15 walking around out there.
16 Q Did you use the same camera that he used?
17 A No.
18 Q When you first got to the body, what did you do?
19 A Well, the body was on a steep embankment, just
20 barely to the right of the front of the cannon, not
21 directly, just barely off to the right of the cannon.
22 From where you are standing you go up an

1 embankment to the top and go down an embankment. We are
2 lower actually than the body in heavy foliage. Unless you
3 get about -- right by the cannon, I would say, or within 5
4 or 6 feet of the cannon, and you are looking over there, it
5 would be very hard to see the body. Because when I got
6 over there, you could just see through the foliage, you
7 would have to be looking there purposefully and you could
8 see the top of the body. You could see gray hair. You
9 could see the head. I observed the scene, the crime scene,
10 noticing that there was -- that it was a grassy area, and
11 around the body, heavy foliage. There's not any drag
12 marks, tire marks, heavy trampling around the body before I
13 approached it, you know. As I got closer, no bushes
14 broken.

15 Q In any direction?

16 A In any direction.

17 Q About how far was the body from the cannon?

18 A I think the body from the cannon measured from --
19 I think he measured from the rear of the cannon, Simonello
20 measured, because the cannon can be moved but there's a
21 concrete anchor in the ground there that the tail of the
22 cannon, the back, is chained to, the hookup, whatever; you

1 hook it up to a truck, whatever. I believe it was about 20
2 feet.

3 Q Did you see a gun?

4 A Yes.

5 Q Where was the gun?

6 A When I approached the body, obviously there's one
7 path, we are not wanting to destroy the scene, I first
8 stood over the head, looking at the head, and I observed a
9 pool of blood under the man's head. Now, the man is on an
10 embankment. The top of his head is just about at the crest
11 of the embankment. Remember, it goes up, it's kind of like
12 this. You have got to go up. His head is about in this
13 area here, and just a slight -- at that point, there's a
14 slight downgrade.

15 I observed a pool of blood under his head that
16 was wet and beginning to dry and clot, and it was directly
17 under his head. It was not all over the place, it was
18 directly under his head, running down this way.

19 Q "This way" being which way for her.

20 A Down the back -- I'm sorry, down the back side.

21 Q Would that be downhill?

22 A Downhill.

1 Q Okay.

2 A Which is where the rest of his body was.

3 Q So his head was uphill, feet were downhill?

4 A Right.

5 Q Okay.

6 A I noticed blood coming from the right nostril and
7 the right corner of his mouth down the side of his face.

8 It appeared to still be wet, but drying. Flies were

9 buzzing around his face, starting to -- no eggs were laid

10 yet, I think they were just making their way to do that.

11 There was blood on his shoulder, possibly like a
12 transfer stain.

13 Q What's a transfer stain?

14 A A transfer stain is -- blood wasn't initially in
15 one location or another. It was on his face -- or on his
16 shirt, not his face. One touched the other. But at this
17 point his face was up, straight up, when I saw him.

18 Q Did you see anybody move his head?

19 A No, as I said, the medics were leaving when I got
20 on the scene. When I got there, I was the only one near
21 the body. I am the only one that went to the body.

22 Q Had anybody told you that they moved the body or

1 moved the head at all?

2 A No. That would not be a bad thing, because this
3 was not an obviously long-dead person. But police officers
4 are always -- they know they are not supposed to touch
5 evidence, touch things. They are often afraid to say that
6 they have done something, and this would not -- if somebody
7 reached up there and checked his carotid and moved his head
8 or whatever, but, for some reason, someone is not saying
9 what happened there.

10 Q In your opinion, at some point, the right side of
11 his head touched with the right side of his shoulder?

12 A Yes. I think it's pretty apparent.

13 Q Did you see an entrance wound or exit wound at
14 all?

15 A Yes. Let's go a little bit slower over here
16 then, so what I remember, I can say it better and you ask
17 the questions.

18 Q What did you do then?

19 A I observed very heavy thick foliage, trees,
20 branches around him also. This was almost like a very
21 steep embankment, it was dirt but no grass or anything on
22 it, but on the sides of it, and the bottom was broken tree

1 branches, and like a gully.

2 Q Tree branches recently broken?

3 A No, no, they were bare, old, apparently. Just
4 where the park service had cut tree branches, pruned them
5 thrown down there.

6 Q Dead?

7 A Yes, old, dead, no leaves, bare. I observed the
8 face. I went down to the left side of the body, watching
9 where I was walking. I observed him, he was wearing a
10 white long -- was it a long-sleeved shirt, I believe,
11 button-down dress shirt, no tie. The shirt was neat. His
12 appearance was neat.

13 Q Any signs of struggle?

14 A No signs of struggle. This was a big man. This
15 was a big man. There was no signs of struggle, there was
16 no -- on this embankment there were no skid marks from
17 shoes, because it was a steep embankment and it was dry,
18 dusty dirt. There was no skid marks, if someone was trying
19 to lay a body there, or there was any kind of a struggle,
20 there's no obvious -- other than before -- you know, I
21 didn't probe the head until the medical examiner came and I
22 rolled the body. So other than that, there were no obvious

20

1 signs of trauma to the body.

2 Q Other than the blood?

3 A The blood. So at that point, I am looking at
4 him, I am noticing what he is wearing, an investigator is
5 writing notes as I am telling her what he is wearing. I
6 noticed he had a pager, the pager was turned off. I lifted
7 his left hand to feel him. His skin was still warm.

8 There was really no -- very little, if any, signs
9 of rigor mortis setting in.

10 Q Any lividity?

11 A Yes. There was lividity under his arm. You
12 could see lividity, and, again, he was wearing a
13 long-sleeved shirt so that the hand was, and part of the
14 hand where the sleeve unbuttons. At that point we were not
15 done with what I was going to do, what we needed to do, so
16 I didn't want to move him around a lot.

17 Q How long do you think he had been dead at that
18 point?

19 A It's my opinion, again, just my opinion, that he
20 probably -- I would say two to three hours. A lot of
21 factors accelerate rigor mortis, extreme heat being one of
22 them. Even though it takes anywhere from two to four hours

1 for it to begin, six to 12 hours for it to start
2 manifesting itself, at this point it hadn't even -- wasn't
3 really manifesting itself. The blood was starting to
4 clot -- the flies work pretty fast once they start, but I
5 would say they won't go immediately. You are dead, you are
6 laying on the ground, they are not going to -- it will take
7 them a while to -- what I would say, organize themselves to
8 realize this is where they are going.

9 So my best guess is, I would say, that he was
10 dead between two or three hours.

11 Q So, then, what did you do after that?

12 A After that, I leaned over -- oh, I'm sorry. In
13 the parking lot, I believe Ferstle or someone told us that
14 there was a gun in the guy's right hand.

15 Q This is before you had come over?

16 A Right. Before I was notified of this. I was
17 going to look at that but I said I am taking my time
18 looking at everything else. At that point I leaned over
19 the body, and just a little plant with leaves was over the
20 hand, basically, in that area. And I could -- and his
21 hands are down at his side. Basically, he sat down on a
22 tree root, which stuck out on the side the berm, which

1 acted like a little seat -- this is after everything else,
2 our final determination -- put the gun in his mouth, shot
3 himself and fell backwards with his hands falling, just
4 natural gravity, falling at his sides, right at his sides,
5 so his right hand was right at his right thigh.

6 And it was difficult to see his right hand and
7 the gun because of the plant and material around there.

8 Q Who recovered the gun?

9 A Simonello.

10 Q Did you see any powder on his hands?

11 A Yes, there was powder burns on the webbing of his
12 hand.

13 Q Which hand?

14 A Right hand.

15 Q Any powder on the left hand?

16 A I didn't notice.

17 Q Did you see any powder on his face?

18 A I didn't observe -- I think there was some
19 stippling marks on his face, but I didn't make note of any
20 specific powder burns on his face, I don't think.

21 Q Did you see any eyeglasses out there?

22 A Yes.

1 Q Where were they?
2 A They were about 13 feet down the hill at the
3 bottom, 13 feet from his feet, approximately.
4 Q They were downhill, you said?
5 A Yes.
6 Q Who recovered those?
7 A Simonello.
8 Q Did he recover everything on the scene?
9 A He recovered everything that would be considered
10 evidence. His personal effects I recovered from the body.
11 Q When did you take the personal effects?
12 A After we were done, after the medical examiner
13 arrived and did his things, pronounced him.
14 Q About how long was it before the medical examiner
15 got there?
16 A I am sure I have it written down in the report.
17 I would say about an hour, approximately.
18 Q Were you there when the medical examiner arrived?
19 A Yes.
20 Q What did he do?
21 A He looked at him, asked me what we had. We told
22 him what we had. Basically pool of blood under his head,

1 gun in his right hand, appeared to be a .38 caliber
2 revolver, no sign of a struggle, no other obvious signs of
3 trauma to the body.
4 At that point we looked at him, myself and he
5 rolled the body, and he had to actually stand downhill at
6 his feet, because as we rolled him, he was starting to
7 slide down the hill on us, and it was very steep.
8 At that point, you know, he looked at the back of
9 his head, I looked at the back of his head, and I was
10 wearing gloves, I probed his head and I could feel -- what
11 I felt in his head was mushy here. I did not, you know,
12 there was hair, blood and other matter there, and I did not
13 observe any blowout, like his brains had been blown out all
14 over the place. It just appeared it was mushy there.
15 Q When you say "there," could you describe where
16 "there" is for the transcript?
17 A I'm sorry. It would be pretty much the exact
18 center of the rear portion of the skull.
19 Q Above the ears, below the ears?
20 A Above the ears, right, just, I would say about
21 two inches rear of center, top. Two inches rear of center,
22 top, right in the center, back of the head, that area in

1 there. And then, of course, again, I probed that, we
2 rolled the body and observed on the side of his arms,
3 through his shirt, you know, the -- where the cuffs are,
4 the opening, there appeared to be lividity there on his
5 legs. Lifted his pant legs, there was lividity on the
6 lower part of his legs. It increased as it got to the
7 lower portion of his body, which was consistent with his
8 position.

9 The medical examiner, Dr. Haut -- I was a little
10 surprised -- he asked us what time did we get the call,
11 what time did we come out there. We arrived at around 1800
12 hours. He said, well, make that the time of death.

13 I looked at Simonello, and I was like, he is the
14 medical examiner, but obviously that's not the time of
15 death. So that seemed very odd to me, why he would say
16 that. I don't know if it was --

17 Q Okay.

18 A I have no idea why he would -- unless he just
19 meant the time he was pronounced. Perhaps that's what he
20 meant, I am pronouncing him. He said, well, make that the
21 time of death. I knew it wasn't the time of death,
22 officers were there before 1800 hours. So if he decide at

1 1800 hours, somebody is in trouble.

2 Anyway, I removed his personal effects, which
3 included the White House beeper which I wasn't sure was
4 White House. It said WHCC, I think, or CS, White House
5 Communications Center, White House Communications
6 something. Again, that was turned off. He had a watch on
7 his left wrist, I removed. He had a ring. I think he had
8 a wedding ring and another ring on. That was all of his
9 personal effects.

10 Q Did you get any keys?

11 A I searched his pants pockets. I couldn't find a
12 wallet or nothing in his pants pockets. Later on,
13 Investigator Braun and myself searched the car. I
14 retrieved the jacket, retrieved the wallet, there was
15 identification, under the jacket on the seat was a White
16 House identification chain thing with a photo ID on it. It
17 wasn't really until then I knew that this was a White House
18 guy. We better call Secret Service. Again, not knowing
19 who he was, a million people work at the White House, so,
20 you know, obviously it was -- White House Communications
21 was what the ID said, so we weren't sure.

22 We searched the car and we were puzzled why we

1 found no keys to the car. We looked around. The car was
2 unlocked.

3 He had, I forget the exact amount, less than
4 \$300, but 280-some, I think, dollars in his wallet and a
5 money machine slip for \$300 from a day or two before, I
6 think.

7 The wallet is in there with the cash, his ID, and
8 I did not find the keys. As it turned out, Investigator
9 Braun and myself went to the morgue in Fairfax Hospital,
10 after we made a death notification, to recheck him. At
11 that point Investigator Braun located the keys in his
12 pocket.

13 Apparently when we rolled him, his pocket fell
14 all the way forward, this way, his pants pockets, and the
15 keys were in his right pants pocket.

16 Q Right front pants pocket?

17 A Yes.

18 Q Did you remove all of these personal effects
19 after or before photographs had been taken?

20 A Everything was done after. He was not touched
21 until after. The only touching that was done before -- I
22 believe it was before I started taking the Polaroids. The

1 only touching that was done, I lifted up his left hand to
2 see -- to check for rigor mortis and body warmth, just to
3 get an idea how long he had been there.

4 Q Were you there when Foster was placed in a body
5 bag?

6 A Yes.

7 Q Did you notice any extra blood coming out at that
8 point?

9 A Yes.

10 Q From where?

11 A His head and I believe his mouth and nose.

12 Q How much blood was coming out?

13 A I can't say how much. I helped them put them --
14 lifted him off the hill and put him into the body bag, and
15 in the body bag there was just more blood, more blood. We
16 weren't watching, basically.

17 Q How many people did it take, basically?

18 A I don't know. There's two ambulance drivers in
19 Virginia -- the ambulance responds to take bodies to the
20 hospital morgue. In D.C., Maryland it's all different.
21 But in Virginia there's two ambulance drivers. I helped
22 and I am not sure if anyone else helped.

1 Q So at least three?

2 A At least three of us. Again, he was a large man.

3 Q Do you know who contacted the Secret Service?

4 A No. Lieutenant Pat Gavin was on -- he may also
5 have been on the scene when we got there or he came later,
6 I am not sure. We talked to him. Someone called
7 communications, I don't know who it was.

8 Q Did you ever hear anything from Secret Service?

9 A No. I didn't talk to them at all.

10 Q Did there ever come a time at any point, you
11 know, after July 20 up until today, when you were contacted
12 by the White House or Secret Service or someone with the
13 federal government that asked you about your report or your
14 findings, other than the FBI here for the Fiske
15 investigation?

16 A No. The only person that I ever spoke to -- the
17 only people I ever spoke to, one being Beryl Anthony, his
18 brother-in-law and the other being, James Hamilton, the
19 family's attorney.

20 Q Why did you speak to Beryl Anthony?

21 A We interviewed, myself and Captain Hume, H-u-m-e,
22 interviewed Beryl Anthony, and Mr. Anthony stated that

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1 Vincent Foster had been depressed. He left Arkansas --
2 left his family in Arkansas when he initially moved to
3 Washington, so he was there for some months before his
4 family got there.

5 Of late, he had been acting depressed, and he
6 noticed it because there had been depression in his wife's
7 family. He said his wife had, I think he said she had had
8 a nervous breakdown, which was on record, because she was
9 an attorney at the Justice Department.

10 Q This is --

11 A Beryl Anthony.

12 Q But he is talking about who?

13 A His wife, which was --

14 Q Lisa Foster?

15 A No, Lisa Foster is Foster's wife.

16 Q Cheryl, Sue Anne?

17 MR. PAULL: Sheila?

18 THE WITNESS: Sheila Anthony.

19 BY MR. IVEY:

20 Q Did he say anything else about Mr. Foster?

21 A Yes. He stated the week before -- I have a
22 report written on this that says pretty much exactly what

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1 he stated. This is from memory but I think it was a week
2 before, Vincent Foster contacted him, and he had been --
3 they had conversations and he was very upset, I don't
4 know -- he said he seemed to be upset over the Travelgate
5 thing.

6 Q Did you know what that was at that point?

7 A It wasn't major news, but, yes, I knew at that
8 point what Travelgate was, the firings of the people in the
9 travel office, in the White House travel office. But I had
10 no knowledge one way or the other of right or wrong or what
11 was going on actually.

12 He stated at one point that covered that
13 conversation that Mr. Foster spent a lifetime building up
14 his career just to see it tarnished in one moment or,
15 again, I have it written in the report, what he told me,
16 exactly.

17 Q The substance is fine.

18 A Yes. And then he stated that, I believe he told
19 me that Sheila had given him a list of three psychiatrists'
20 names and phone numbers that she wanted him to contact, and
21 I found a list of three doctors' names and phone numbers in
22 his wallet, which I called and verified as psychiatrists.

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1 He also stated that about a week before, Vince called him
2 and asked him to recommend a good attorney for him, which
3 Mr. Anthony thought was rather odd, because he said Vincent
4 Foster was a man who kept his own counsel, and he helped
5 others, and he didn't come forward to anybody else with his
6 problems. But he appeared nervous, agitated, and I believe
7 it was over this Travel -- what he says was over this
8 Travelgate thing. He was worried that there was going to
9 be Congressional hearings on it or something like that.

10 I think Mr. Anthony said that's the last time he
11 talked to him on the phone, talked to him. He arranged --
12 put a packet together with information on three attorneys
13 that he was recommending, I think it was three, I may be
14 confusing that with three psychiatrists. It was an
15 attorney or a couple of attorneys, I am not sure. But put
16 a packet together and had it delivered to Mr. Foster's
17 house. Again, I don't remember the date. It's written in
18 the report.

19 I don't believe he talked to him again after that
20 phone call. It was just prior to his death.

21 Q Now, did you ever talk to, let's see, Bill
22 Kennedy at the White House, who was seeking permission to

1 identify the body?

2 A Oh, I'm sorry. Maybe through a question you
3 asked before -- yes. After we left the scene, myself and
4 Investigator Braun were heading to Mr. Foster's residence
5 in Georgetown to make a death notification. Lieutenant
6 Gavin called us and we talked to him, and he started to
7 call these guys from the White House, Bill Kennedy and
8 Craig Livingston, or Livingstone, whatever it is. I called
9 them, I don't know if it was on a mobile phone or
10 whatever. They wanted to know where he was at, Mr. Foster,
11 and could they see him. I told them he was taken to the
12 Fairfax County Hospital, he was in the morgue. They wanted
13 to see him. They knew him, they were personal friends,
14 they worked with him at the White House. They could
15 positively identify the body even though we, through photo
16 identification, knew who he was. If they wanted to see the
17 body, we didn't have a problem with that.

18 We called the security guards at the hospital,
19 told them they would be coming and it would be all right to
20 see the body.

21 Q Did you call them, the hospital?

22 A Yes, I believe I called them. I talked to them

1 two times while I was in the car. We also got a call to --
2 Lieutenant Gavin said to call this guy named David Watkins.

3 Q This is all on the 20th; right?

4 A Right. This is all in the car on the way to make
5 the death notification.

6 Q Dave Watkins, he is at the White House, too; is
7 that right?

8 A He was. He was golfing on -- taking the
9 helicopter. He was, but he is not there anymore.

10 Q All right. Well, at the time --

11 A I found out, yes, but all I knew was to call this
12 guy, David Watkins, who was a personal friend of Vincent
13 Foster, whatever.

14 Q Right, as a personal --

15 A Right, so I called him to come over to make a
16 death notification. It's a good practice to take a close
17 family friend. Apparently Lisa Foster had played tennis
18 earlier that day with his wife. They lived in Georgetown
19 only a couple blocks away from where the Fosters lived. So
20 we went to his house first to pick him up. His wife
21 followed us in their car.

22 We went over to Foster's house. At that point he

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1 said my sister and some other people are coming, can we
2 wait for them. I basically stated no, I am making a death
3 notification. I don't want a circus at the Fosters.
4 Everything is knocking on your door, but to see a line of
5 people behind you, I was very uncomfortable about that.
6 Unfortunately everybody showed up as we were walking up to
7 the door, so it was a circus-like atmosphere.

8 And -- who's that big guy -- I think he was a
9 member of the Rose Law Firm also, I forget his name --

10 Q Is it in your conversation with the FBI?

11 A It might be. He was just in the news recently.
12 He was there, I think it was Sheila Anthony. I am not sure
13 if his elder sister was there. There were two sisters, two
14 women, one being Sheila Anthony and this other guy, just a
15 huge guy. I know he is in the limelight!

16 Q Webster Hubbell?

17 A Webster Hubbell, right, Web Hubbell. And there
18 were a couple of other -- we had David Watkins, his wife,
19 Web Hubbell, Sheila Anthony and I think another woman which
20 I think was the other sister, I am pretty sure.

21 So there were at least five people, other than
22 myself and Cheryl Braun, going to the door. At that point,

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1 we knocked on the door, the daughter answered, I forget her
2 name, Laura. Laura answered.

3 Q Do you recall what color hair she had?

4 A Blond. She had blond hair.

5 Q All right.

6 A We identified ourselves, and the other people, I
7 asked them to wait outside for a second and just have
8 Mr. Watkins come up. They are on the walk, she could see
9 them, and she started getting upset and yelling for her
10 mother, who was upstairs. At which point Lisa Foster came
11 downstairs and stood on the third step and said what's
12 wrong, both of her sons were out, and then she saw David
13 Watkins, and his wife, and she asked, said something about
14 Vincent, and I said -- I asked her to sit down. It was
15 very rough. I asked her to sit down and said, I am very
16 sorry to tell you --

17 MR. DARMER: Off the record.

18 (Discussion off the record.)

19 BY MR. IVEY:

20 Q Okay. Lisa Foster comes down the stairs. By the
21 way, what color is her hair?

22 A She has got blond hair.

1 Q What happens when she comes downstairs?

2 A Obviously she knows something is wrong. She sees
3 David Watkins and his wife and the police are at her
4 house. And, again, I am not going to say what she said at
5 first, because I don't remember exactly what it was.
6 Something -- she had an idea what was going on.

7 I said, Mrs. Foster, I am very sorry to tell you
8 that your husband, Vincent, is dead.

9 Q So after you made the death notification, what
10 happened?

11 A Well, she was hysterical, screaming, collapsed on
12 the step, at which point --

13 Q I mean after you leave the house?

14 A Well, I want to say what happened in there first.

15 Q All right.

16 A Because she was covered by Mrs. Watkins and -- I
17 am trying to get the sequence right -- she asked me what
18 happened or how. I believe -- I think I told her that
19 he -- I am not sure if I said he shot himself or he killed
20 himself.

21 But her reply was, to me, and there may have been
22 something in between that, but her last statement to me at

1 that point of the death notification was, did he put it in
2 his mouth, which was very odd to me. I didn't write it in
3 the report. We talked about it in the office, and, for the
4 life of me, I don't know why I didn't put that in my
5 report, the death notification, which is the whole report,
6 the report of the original event. But we talked about it,
7 it was so odd, it said to me, obviously, that something was
8 going on, something was threatened before, to be so
9 specific.

10 We were there for about an hour trying to
11 interview people there, trying to talk to her and it was
12 hard. She ran upstairs. Her daughter ran upstairs.

13 After we said he had shot himself, the daughter,
14 Laura, screamed, ran upstairs. Investigator Braun and
15 myself -- it was almost like she was stunned, she was going
16 up to look for something. Then we interviewed some of the
17 people there, and I spoke to them, Lisa did not want to
18 talk to Investigator Braun for some reason. I had a little
19 better rapport. Again, between being covered by all of
20 these people, and Web Hubbell not wanting -- Web Hubbell
21 didn't talk to us, he had a funny little phone with him.
22 He stayed on the phone a lot of the time.

1 One of the last things I got from Mrs. Foster --
2 I asked her, was he -- did you see this coming, was there
3 any signs of this, and of course everyone said, no, no, no,
4 no. He was fine. This is out of the blue.

5 I asked Mrs. Foster, did he have a gun, did he
6 own a gun. She asked me what kind of gun, what did it look
7 like -- which, again, seemed odd to me -- did he have it
8 and what did it look like. When I started to describe it,
9 she got angry, said I don't know what guns look like. She
10 went to the kitchen and at that point I didn't press her
11 any further. We left after President Clinton got there.

12 Q Okay. After you left, you went back -- did you
13 go to the hospital or back to your office?

14 A We went back to our office.

15 Q Did you call the numbers of the doctors that you
16 found in Mr. Foster's possession?

17 A Not that night.

18 Q When did you call them?

19 A There was a report written on that. I don't know
20 the date.

21 Q Was it in a few days?

22 A Yes. I photocopied the stuff that was in his

1 wallet, because I assumed we would be giving the personal
2 effects back to the wife. There was no reason to hold on
3 to them at this point. Statements people heard us make on
4 the scene, you know, again, this is all stuff I read in the
5 newspaper, which is annoying, about whether he was shot
6 standing up, laying down or anything, that is work
7 product. That's investigators keeping an open mind in
8 discussing the scene; possibilities. Anybody that
9 overheard us say one thing, our final determination was
10 none other than he sat down, whenever he got courage or
11 depressed enough, whatever it takes to kill yourself, he
12 put the gun in his mouth and pulled the trigger sitting
13 down at the top of an embankment, put a bullet in his head
14 and it went flying off somewhere in the trees.

15 Q Let's talk about the bullet. What efforts were
16 made to find the bullet by the Park Police?

17 A We went up there with metal detectors.

18 Q When did you go up with metal detectors?

19 A I didn't go out there, the identification unit, I
20 don't know if it was Simonello but somebody from the
21 identification unit went out there the next day, because
22 this was evening. This is nighttime. This is a

1 battlefield park. This was a battlefield fort, an earthen
2 fort.

3 Q Do you know if they recovered anything?

4 A I don't know if they recovered anything.

5 Q Do you know how big of an area they served?

6 A No, I am not familiar with that.

7 Q Was there any attempt to find bone fragments or
8 anything in the ground?

9 A They searched the area, they did search the area
10 around his head for the bullet, in case -- for bone
11 fragments in case he was laying down when he shot himself,
12 which we didn't believe and, of course, didn't find any.

13 Again, bone fragments, I still can't believe that
14 the hole -- it's a small hole. They may put their finger
15 through it, that's a big hole. His head was not blown
16 out. Again, he was sitting up. As far as the FBI's search
17 for bone fragments, they searched around his head to a
18 depth of 18 inches or whatever and sifted. They didn't
19 sift the whole park, so --

20 Q Have you ever been connected with investigations
21 where there was a shooting involved and no bullet was
22 recovered?

1 A A shooting involved, no bullet recovered.

2 Personally?

3 Q Or are you aware of any?

4 A I am aware of investigations where people have
5 been shot and the bullet has pierced their body and you
6 don't find it again. It's not an uncommon thing at all.
7 You are in an outside wooded area. That bullet could be
8 sitting on top of a tree.

9 Q What about bone fragments? Have you been
10 involved in cases where there were shootings and no bone
11 fragments recovered?

12 A Certainly. The size of the wound is not large
13 and bone fragments would be tiny. You know, even the
14 FBI -- you know, much better than us, they had their expert
15 lab people, but, again, they searched basically an area
16 around his head. I don't know how far bone fragments would
17 go. I don't know. I don't know where they are, I don't
18 know if they got stuck in the scene. I probed his head and
19 there was no big hole there. There was no big blowout.
20 There weren't brains running all over the place. There was
21 blood in there. There was a mushy spot. I initially
22 thought the bullet might still be in his head. Could have

1 been the brain pushed up against that hole. There's no big
2 hole or big blowout in his head.

3 Q So the exit wound was small?

4 A Right.

5 Q I guess you also reviewed Mr. Foster's "diary" at
6 some point?

7 A Yes.

8 Q Tell us -- I am not trying to get at personal
9 things that aren't somehow relevant to his death -- but do
10 you recall seeing anything in the diary that you reviewed
11 that you thought was relevant to him killing himself?

12 A No. You know, Hamilton made a big deal about us
13 viewing the diary. Myself and Lieutenant Kass, K-a-s-s,
14 went to Hamilton's office. This was, again, a couple days
15 after the initial search of his office at the White House.

16 Q We don't want to talk about that today.

17 A Okay, well, whatever. Whatever documents they
18 said that we could look at was given to Hamilton. After he
19 had them for several days, then we were able to look at
20 them. He made a fuss about us looking at the diary, saying
21 it's personal. We said it's potential evidence. We don't
22 wanted to embarrass anybody, but it's potential evidence

1 and if there's something here we need we are going to take
2 it.

3 I looked at it. As I remember it, it was -- I
4 forget the color of it, but it was 6-by-8 or, you know, the
5 hard-bound blank pages, lined. I don't remember if the
6 date was on the pages or not. I think it was just blank,
7 you had to handwrite the dates in.

8 The first several pages seemed to be empty, and
9 there was only about 10, 15 pages with writing on it
10 anyway. The rest of the book was empty. I looked through
11 it. I bent back the binding through the pages and tried to
12 look to see if there had been any pages ripped out. It
13 didn't appear to me that there had been.

14 The time frame of the diary -- the writings
15 concerned a party at the governor's mansion, the time frame
16 seemed to be postelection with Mr. Clinton, postelection
17 and preinauguration.

18 There was nothing seamy in the diary or -- I
19 don't know why he made a fuss about us looking at it.
20 There was obviously some friendship, a close friendship
21 between him and Mrs. Clinton. Again, there's nothing
22 seamy. They talked about parties, going here, going there,

1 talked about him mentioning that -- speaking of
2 Mrs. Clinton, Hillary wanting to get to Washington, she is
3 not just going to sit back. She is -- something about the
4 health care reform, she is going to take command. These
5 are not the exact words. These are my impressions, from my
6 memory.

7 But she was going to be involved in this
8 presidency, basically.

9 Again, my feeling was that there was a close
10 friendship between them, but there was nothing out of the
11 ordinary or seamy or anything like that.

12 Q And you got a known handwriting sample, I take
13 it, from the family, too?

14 A Right. I didn't get that. That was gotten.

15 Q Okay.

16 A We took some -- a couple of writings from his
17 paperwork there and a note was taken from the family.

18 MR. IVEY: Let me just review this to make sure.
19 Okay. I don't have any other questions at this time.

20 MR. DARMER: Are you okay, do you want a break?

21 THE WITNESS: No, I am fine.

22 I would like to say one thing before anybody else

1 has any questions. You know, we are getting on the scene
2 of something, whether it's a first officer or investigators
3 are on the scene. I know a lot was made about this in the
4 press, we were slammed, and almost all of it was not true.
5 But saying that we said it was a homicide right from the
6 beginning. You go by the facts. We didn't rule out a
7 homicide or suicide. The medical examiner said it was a
8 suicide.

9 We are human beings. You look at the crime scene
10 and the facts. You start from there. Of course, every
11 death is a homicide until it's ruled otherwise, but you
12 cannot ignore certain facts. In this scene, no sign of a
13 struggle, lividity consistent with the body, a gun in the
14 man's hand, one, two bullets in the gun, one spent, one
15 not, which is consistent with people trying to kill
16 themselves in case they -- just like if they use a razor
17 blade or hesitation, they cut their wrist or throat, have
18 hesitation. A lot of times people will jerk at the last
19 minute and wound themselves.

20 As far as statements on the scene or anything, I
21 just want to make it clear, that's work product, and, you
22 know, discussing different options, but not being a blank

1 slate, we are looking at the evidence that we have in front
2 of us until we analyze it further and come up with
3 something different.

4 So if someone said we called this a suicide from
5 the beginning, well, we called it what we thought we were
6 looking at. We don't call it anything. Our reports say
7 death investigation, but you have to have some kind of idea
8 you are working with until something comes up otherwise.
9 That's why you interview people, family friends and other
10 things.

11 There was no evidence -- I mean, no evidence to
12 the contrary that it was not a suicide. I would be glad to
13 investigate it, if it was other than a suicide. In fact,
14 we wouldn't investigate it, we would be very happy to turn
15 it over to the FBI.

16 They were called, reviewed the reports, saw the
17 stuff. They felt it was a suicide and they did not go
18 beyond this. So that's where we stood.

19 (Recess.)

20 EXAMINATION

21 BY MR. DARMER:

22 Q Detective, my name is Raymond Darmer. I am staff

1 counsel to the minority. I am going to ask you some
2 follow-up questions on what Mr. Ivey has asked you and some
3 other questions of my own.

4 Right before we took a break, you were talking a
5 little bit about the investigation and perhaps some
6 criticisms that had been made of the investigation. You
7 said you were chief investigator, is that right, on this
8 matter?

9 A Of the death scene.

10 Q Of the death scene.

11 What kind of approach or what kind of strategy
12 did you then employ in your investigation, generally? Just
13 tell me generally what you decided to do in this case.

14 A View the scene, speak to the first officers on
15 the scene, find out what they said, what the medical people
16 that had already left said, make sure everything is noted,
17 who is there, what everybody did, including the medical
18 people, view the scene, find out who approached the scene,
19 who had been on the scene, who touched the body, if
20 anybody, and then basically I like to keep as few people as
21 possible. So myself and the person who is going to collect
22 the evidence and process the scene, the identification

1 technician, Simonello, we processed the scene.

2 We view the scene, he will normally take
3 35-millimeter photographs, and now it is policy to
4 videotape all death scenes.

5 Q As of when?

6 A Well, there was a policy, I think, for certain
7 death scenes, but now because of the possibility of film
8 being bad or whatever, all death scenes, whether it's a
9 fatality traffic accident, apparent suicide, heart attack,
10 whatever, everything is going to be videotaped including
11 35-millimeter photographs and Polaroid photographs.

12 Q So the tech people have video cameras on them?

13 A Yes.

14 Q Was that as a result of anything that happened in
15 this case that changed the policy?

16 A They did it before, certain things, but because
17 the 35-millimeter film did not come out it has been, I
18 think, enforced more strictly that, now there will be no
19 question about what kind of death it is. All deaths that
20 we will investigate, the scene will be videotaped.

21 Q I actually have a couple of questions for you
22 about the scene. You said you were taking pictures of the

1 scene?

2 A Yes.

3 Q Do you carry a camera with you at all times?

4 A No, when we got the call, we heard them
5 responding to the possibilities of a body. We do go out on
6 a possibility, we wait for someone -- officers, uniformed
7 officers, to be the first responder, find a crime or
8 whatever that needed to be detected, otherwise, we would
9 run all over the place.

10 Once it was confirmed there was a body, we were
11 notified by the communications section and then I went and
12 got one of our Polaroid cameras. I like to take a couple
13 of Polaroids myself for the investigative file to see, so I
14 have immediate, immediate pictures. 35s, they develop them
15 overnight, or whatever, in the processing lab, but you have
16 them immediately on your hands. So I grabbed a Polaroid
17 kit and the three of us went out there, which was
18 Investigator Abt, Investigator Braun and myself.

19 Q You actually rode out in the car together?

20 A Yes.

21 Q Did you talk about what you were going to do when
22 you got to the park in the car?

1 A No, because we didn't know what the scene was.

2 Q Let me then go back, because I wasn't clear about
3 the scene when you first arrived. You mentioned a lot of
4 different names. Can you try to tell me everyone who was
5 in the parking lot, as best you can recall, when you first
6 arrived at Fort Marcy?

7 A Have you been to the parking lot?

8 Q I have not been out there. I have just seen the
9 pictures.

10 A You go up GW Parkway, it's a quick, small
11 entrance, little island, one in, one out. You only get
12 there from the northbound lanes of the GW Parkway. A blue
13 Mercedes down, I think right by the island there, with the
14 flashers on. We pulled in there, you have to drive all the
15 way down, and there's just a rectangular parking lot, I
16 would say maybe 50 yards, maybe not, between 30 and 50
17 yards long, parking slots on both sides.

18 The gray Honda, Foster's car, is, I believe, in
19 the fourth parking spot from the very end when you first
20 pull in facing the wooded area, the trails, and there was,
21 I think, a white, a white car with two people in it, and I
22 don't think there was any other cars there at that time,

1 other than the police cars.

2 In the parking lot is Officer Ferstle, I don't
3 remember if Lieutenant Gavin was there at the same time or
4 he came later. Obviously, Simonello pulled in his vehicle,
5 separate vehicle. Abt, Braun and myself are in one
6 vehicle.

7 Q Did you see Fornshil when you first got into the
8 parking lot?

9 A No, Fornshil was already gone. He was already
10 gone. We requested him to come back because we thought it
11 was odd, first person on the scene, to find the body.
12 There was other things going on, he was sent on another
13 call. We requested him to come back.

14 Q Did he come back?

15 A I don't recall talking to him. I don't know if
16 Cheryl Braun talked to him. He may have come back when she
17 was down in the parking lot. She may have talked to him,
18 but I did not talk to him.

19 Q Do you know if he filed a report in the case?

20 A Yes. First officer on the scene would take the
21 original case number and do the original case report and
22 everything we do is under that number on subsequent

1 reports.

2 Q So you don't know if Lieutenant Gavin was on the
3 scene when you arrived?

4 A I don't remember. He may have been already
5 there.

6 Q Who is he? Is he a detective also?

7 A No, he is a lieutenant, a field commander. What
8 we have is, you know, we have regular uniformed officers,
9 sergeants, lieutenants. Lieutenant or field commander is
10 in charge of everybody on the street. Sometimes we have
11 two to cover different districts. Basically the field
12 commander, anything that goes on, he is made aware of, and
13 he is the liaison to the press or anything like that. And
14 any major incidents, anybody that has to be notified,
15 that's all taken care of.

16 Q So anything that occurred on that district for
17 that day, Lieutenant Gavin would have been --

18 A Not anything that occurred, a major incidents
19 that needed to be known, like this. We have a dead body,
20 usually a lieutenant will respond to the scene in case
21 there's media, press, wanting to know what have we got. He
22 has got to do a press release, and he wants to know from

1 us, he will talk to us afterwards and find out what
2 happened, what he can say and what he can't say, what he
3 can release and what he can't release.

4 Q But he was the superior officer on the scene?

5 A Right. He was the superior officer on the scene.

6 Q What was the chain of command above him that
7 day? Who was the officer he would then report to?

8 A He is it for the shift. Field commander is kind
9 of the supreme being for the shift. Ultimately, the whole
10 situation, you have got lieutenants that are commanders of
11 each substation. He is a field commander then district 2
12 substation has its own lieutenant, assistant commander and
13 has a captain that's a commander of that station. But the
14 field commander controls what is going on on the street.
15 He is responsible. He would report to the control branch
16 commander, a major. He will write his report that will go
17 to control branch commander.

18 Q Would you ordinarily work closely with the field
19 commander in the course of your investigation?

20 A No. In fact, probably like a lot of police
21 departments, you have good police officers and stuff, but
22 when the detectives come on the scene, the detectives are

1 in charge of that crime scene. They are the ones that are
2 responsible, sergeant, lieutenant, doesn't manner. Unless
3 we are specifically relieved of duty, we say what goes, you
4 know, we are supposed to be in charge and tell people --
5 control access to the crime scene.

6 You know, I have never had a problem with a field
7 commander, working with him, when we need people, fielding
8 people for interviews, but they try not to get too involved
9 because it's not their job.

10 Q So Lieutenant Gavin wasn't telling you to do
11 anything at the scene?

12 A No.

13 Q Was he participating at all in your conversations
14 or decisionmaking?

15 A No.

16 Q So, it was you, Detective Abt and Detective
17 Braun?

18 A Braun and Christine Hodakievic, who was an
19 investigator at the time, has since left. She wanted to go
20 back on patrol. She just got off work, took a couple of
21 hours leave, lives out that way. On her way, she stopped
22 to assist.

1 Q Because she heard something on the radio?

2 A Right. She was there before us.

3 Q By the way, would a field commander like Gavin
4 ordinarily file a report in a case of this sort?

5 A No.

6 Q Why is that?

7 A He would write a shift summary of events that
8 happened, and special events would be a little bit longer,
9 which patrol branch commander, I believe -- again, I am not
10 a lieutenant, I am not sure exactly of all the little
11 things that they do, but, no, there is no -- if he did
12 something significant, if any officer did anything
13 significant, we would request him to do a 44, which is our
14 supplemental report, and it would be given to us to put in
15 the case jacket.

16 Q But as the detective in charge of the death scene
17 was involved in other communications --

18 A He left the parking lot. I will say I don't
19 remember him ever coming up to the crime scene. I don't
20 remember that, if he did. But even if he did, he was in
21 the area. He wasn't on the crime scene.

22 Q Well, what if he contacted other agencies or

1 outside individuals, would that somehow be reflected in a
2 report of the case?

3 A It would be a good idea -- I see what you are
4 saying. It would be a good idea, if he was the one that
5 contacted the Secret Service or whatever, to write a short
6 couple-of-lines statement to give to us that he did that.
7 I don't know if he did that. It might be in his shift
8 report somewhere that this is what I did, which is not a
9 report that we would get.

10 That should be done but lieutenants are
11 lieutenants. Pat Gavin is a good friend of mine, but a lot
12 of time lieutenants don't see the necessity to write
13 reports.

14 Q Did you talk to Lieutenant Gavin about the
15 investigation after that time?

16 A No.

17 Q Did you talk to other people about the
18 investigation?

19 A Yes.

20 Q Who did you talk to?

21 A Lieutenant Kass, Detective Markland, Captain
22 Hume, Simonello, and people in the criminal investigations

1 branch.

2 Q What is Lieutenant Kass's role?

3 A He is the lieutenant in the criminal
4 investigations branch. He is basically in the chain of
5 command, he is the guy who runs the show there until there
6 is the problem higher up, then a captain will oversee
7 certain things and delegate authority to the lieutenant.
8 Then we also have a major.

9 Q In ordinary investigations, you would be dealing
10 with a person like Lieutenant Kass, but no one up there?

11 A No, I would deal with my sergeants, lieutenants.
12 I wouldn't just be talking to anybody. The criminal
13 investigations branch up there, sergeant, my sergeant, or
14 Lieutenant Kass asked me what was going on, captain, or
15 major. But, no, ordinarily, I don't break the chain of
16 command, I would just go and deal with other people. I
17 don't know if there's some specific -- do you want.

18 Q You mentioned Lieutenant Kass came with you, I
19 think, or you contacted Kass before the notification. Did
20 you call him or did he call you?

21 A No. I was in working. And Detective Markland
22 wasn't available, Pete Markland was not available. I was

1 familiar with the case, so I went over with him over to
2 Hamilton's office basically on that date. One time I went
3 with Captain Hume. Our criminal investigation branch is
4 not a giant thing. We don't specialize. Basically, we
5 handle everything. We don't handle minor crime, but we are
6 a major crime unit, rapes, robberies, assaults, deaths,
7 that kind of thing is the things we handled.

8 I went with Captain Hume to go interview Beryl
9 Anthony.

10 Q How many death investigations have you been
11 involved in since you have been with the Park Service?

12 A The Park Police.

13 Q I'm sorry, the Park Police.

14 A The Park Police, please.

15 Q I'm sorry, the Park Police?

16 A At that point?

17 Q Sure, then and now.

18 A At that point, that was my first death
19 investigation that I controlled. I had been at the scene
20 of other deaths throughout my years on the job and my first
21 death investigation was an officer shot himself in the
22 head. Uncannily enough, that gun was right in his hand,

1 wasn't thrown 30 yards away. This was the first one and
2 obviously it would have to turn out this way, being Vincent
3 Foster, but since then, I had just left narcotics after
4 5-1/2 years of narcotics undercover work, including a
5 two-year stint with the DEA.

6 Beginning in July -- I had been a criminal
7 investigator since April 1990, but the majority of my work
8 has been narcotics. I attended Metropolitan Police and
9 homicide school, various other criminal schools.

10 But, so, beginning of July is when I left
11 narcotics to go to the major crimes section, criminal
12 investigations branch. I was on the scene, there was
13 another homicide up in Kenilworth Park before this where I
14 went to the hospital, a girl was stabbed in the chest.

15 There was another death before this.

16 But since then and now, I have a reputation,
17 people don't like to work with me because they call me
18 Doctor Death. Because usually when I am working, we end up
19 having some kind of a death investigation. It's kind of an
20 office joke, it's really not very funny, but I have been
21 involved in several death investigations, including three
22 homicide investigations, one I am currently working on now.

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1 Q How many of those were by gunshot, or by gun, I
2 guess?

3 A One girl was strangled, another one is an old
4 one, the other two were stabbed, females were stabbed, and
5 there have been other suicides by gunshot and various other
6 means.

7 Q You mentioned some training you have had. Was
8 that training specific to death or homicides?

9 A Yes, it's an 80-hour course, two-week course,
10 that all Metropolitan Police homicide investigators have to
11 attend and we attend their school, also. It's a pretty
12 detailed course.

13 Q As the investigator in charge of the death scene,
14 would you expect to be the one who received all the reports
15 from the people who were at the scene, the other police
16 personnel?

17 A Right.

18 Q So they would send it to you?

19 A What would happen is I would put it, or make a
20 major case folder and all reports will come through CIB.
21 Then I would put it into the case jacket, but because of
22 this -- after realizing this guy, who he is, and my newness

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1 in CIB -- I had no problem in handling this. I don't think
2 I did anything wrong, but because of politics involved,
3 potentially involved in this situation, Detective Markland,
4 one of the more senior detectives was assigned to the case
5 and Captain Hume himself figured if he had to deal with the
6 White House, instead of sending two detectives up there, he
7 would be involved in there also, as a high-level liaison.

8 Q When was that decision made?

9 A Basically the next day.

10 Q Did you have a conversation with him?

11 A Yes. I mean, Captain Hume had told me after I
12 came in that day, because I worked all night, we worked all
13 night long. I started at 2:00 in the afternoon and I
14 didn't get off till 6:30 the next morning. I couldn't make
15 the autopsy because I had just gotten home, and then the
16 White House called and said, if you want to look at stuff,
17 come now. I couldn't drive, because I would have crashed,
18 I was too tired.

19 Q Did you say that was when the autopsy was
20 scheduled?

21 A Yes, I left that morning at 6:30 because we had
22 confirmed that Dr. Beyer would do the autopsy the following

1 day.

2 Q Which day would that be?

3 A Tuesday night, we found him so Thursday morning.

4 Q The 22nd?

5 A Right, I got a call at 8:30. I was asleep for
6 half an hour, we got a call. White House said they could
7 do the autopsy, it was pushed up to 10:00, whatever, do I
8 want to come back in. I couldn't make it.

9 Q Do you remember who called you?

10 A Sergeant Rule.

11 Q Who's he?

12 A He is one of the detective sergeants, people in
13 CIB, criminal investigations branch.

14 Q If, at any time, it's someone outside the CIB,
15 will you let me know, because there are a lot of names.

16 A It would be very odd if anybody outside the CIB
17 would ask anybody or do anything in an investigation.

18 Q Did Officer Rule, when he called you, tell you
19 the autopsy had been moved up, specifically at the request
20 of the White House?

21 A Yes. He told me it had been pushed up. They
22 wanted it done sooner, so they got it.

1 Q Did you ask him why or ask him any questions
2 about it?

3 A No. After -- again, I didn't know he was, even
4 being in the White House, I wasn't overly concerned. Like
5 I said, a million people work in the White House, but until
6 such time as it started picking up all this people, trail
7 of people following us to the house, I realized this guy is
8 fairly important and when the president of the United
9 States walked in, that dawned on me. So I realized the
10 White House is going to do whatever they want to do. If
11 they want the autopsy pushed up, okay. So I wasn't
12 surprised.

13 Q Is it standard operating procedure for the
14 investigating detective, like yourself, to be at the
15 autopsy?

16 A Yes, because, although the medical examiner will
17 have the reports, there are many times they will ask
18 specific questions to you, and if you can explain better in
19 person, the scene, explain things better, and you are also
20 viewing the body, the autopsy, and he can explain wounds to
21 you. You can visually see the wounds.

22 Q Would you ordinarily write a report, based upon

1 your attendance at the autopsy?

2 A Yes. There would normally be a report written,
3 not a detailed report, obviously, because they can get the
4 autopsy report from the doctors, but the autopsy report
5 will say the autopsy was done by Dr. So-and-so. Usually,
6 in most cases the doctor, at that point, after doing the
7 autopsy, will rule on the death, unless it's undetermined
8 or he needs more time to wait for the toxicology to come
9 back, based upon our reports, photographs of the scene, the
10 reports, and the wounds, and what he observed, lividity.
11 Everything was consistent with the position of the body on
12 the hill. Everything was consistent at the scene to be
13 ruled a suicide.

14 Q Let me go back, though. Before you ended your
15 shift on the night that the body was found, you had been
16 told or you knew that the autopsy was scheduled for the
17 22nd, or two days after?

18 A Yes. I called -- Dr. Beyer likes to come in
19 early a lot of times. I had called. I don't know if I
20 left at 6:30 or later, but I waited, because I wanted to be
21 sure, and I did want to attend, and I waited until someone
22 in his office answered, and, whether it was the secretary

1 or a calling service, whatever, it may have been him -- to
2 tell you the truth, I don't remember, because I know he
3 comes in early. I was told, no, it wouldn't be done the
4 following -- it wouldn't be done that morning, it would be
5 done the following day.

6 Q Did you note that in one of your reports
7 anywhere? Would that have been written down somewhere as
8 part of the case file?

9 A No.

10 Q What was the standard operating procedure for
11 scheduling autopsies, generally? Did you just always call
12 as the investigating officer to try to schedule it?

13 A That's the doctor's office. In Virginia,
14 Dr. Beyer does them. A lot of times he will come in
15 early. He will come in at 6:00 a.m. sometimes and start
16 cutting, depending on how many bodies he has. You
17 basically have to call the medical examiner's office and
18 find out, did they pick up the body, or was the body
19 delivered to the medical examiner's office, and when do
20 they plan on doing the autopsy. So you have to call.

21 Q Who usually handles getting the body to the
22 autopsy, the medical examiner's office. I mean in this

1 case the body was at the hospital; right?

2 A The body was taken to the hospital morgue, and
3 then, I am not sure if the medical examiner's office sent
4 someone to pick up the body. We faxed in the report,
5 saying we had a dead body, suicide, so they know they have
6 so many -- obviously every dead -- every person that dies
7 in Virginia has an autopsy. A suspicious death, suicide,
8 suspicious death, you know, suspected homicide, suspected
9 suicide, any suspicious death, a death that is not in a
10 doctor's custody, care, it would be pretty much an autopsy.

11 Q When you got called that the autopsy was going to
12 happen on the next day, you couldn't go. Did Sergeant Rule
13 tell you who was going to attend?

14 A He said they would take care of it, that they
15 would make sure somebody would.

16 Q Did you ask who it was going to be?

17 A No.

18 Q Do you know who ultimately attended?

19 A I think it was him. I think it was Investigator
20 Morrisette, M-o-r-r-i-s-s-e-t-t-e, and an ID tech,
21 evidence technician, identification technician Shelly
22 Lindsey. There was another ID tech there, also.

1 Q Third one?

2 A Second ID tech. There were four people that went
3 there, I believe.

4 Q Do you know if any of those four people had been
5 there at the scene of the death?

6 A No. None of the four had been there. That's
7 not -- definitely not a policy, but, again, people that
8 were there, that worked all night, were gone. We were
9 there a very short while.

10 Q Is it SOP to have someone who was at the scene of
11 the death attend the autopsy?

12 A Yes. That would be normal operating procedure.
13 As I say, there may be nothing -- there may be questions,
14 you like to explain the scene, and the doctor likes to hear
15 besides reading the report and looking at the photographs.
16 He can explain things if you have questions. The
17 investigator may have questions that he needs to ask the
18 doctor.

19 Q When did you find out who actually attended the
20 autopsy, who the officers were who were attending?

21 A To tell you the truth, I don't know if I took off
22 that afternoon, because I was tired. I don't know if I

1 took off. That would have been a Wednesday afternoon, I
2 worked all night. Whenever I came back to work was, the
3 report was written. I talked to Captain Hume and he told
4 me, based on the political nature of Mr. Foster and the
5 possibilities of this investigation, he felt that I was not
6 long enough in CIB. For whatever reason, he assigned the
7 investigation to Markland and he was going to participate
8 in the investigation himself.

9 Q Did you also talk about the autopsy at that point
10 and who had attended the autopsy with Captain Hume?

11 A No, I didn't talk to him about it. I may have
12 talked to Sergeant Rule and looked over the report.

13 Q You say that it's ordinary SOP to have someone
14 who is at the death scene attend the autopsy. Have you
15 ever been involved in a case where officers who were not at
16 the death scene attend?

17 A Yes. There are times when I can't make report
18 commitments, subpoena for court, other things, and people
19 just familiarize themselves with the reports, in case there
20 are any questions, and talk to the officer.

21 Q You mentioned it could be a court appearance or
22 subpoena, does someone have to authorize that they are not

1 in attendance at the autopsy?

2 A I don't know exactly what you want there. I will
3 explain it to you this way. If it's your case -- the
4 person who is on the scene, it's normally their case, they
5 handle it.

6 Q Yes.

7 A Unless sometimes you work a different district.
8 If a case is too big, that case may be turned over to the
9 district detective, but normally if it's your case, you are
10 working a death scene, you are handling it, you or somebody
11 who was with you will go to that autopsy. Normally, that
12 autopsy will be, if it's early, if it's early in the day,
13 then the next day you can probably expect it to be. If
14 it's late in the day you can probably expect that it will
15 be two days later. That is the normal procedure.

16 If I am on a death scene, and I have got a case,
17 and the next day I got subpoenaed for trial, I have to go
18 to trial.

19 I will explain the scene, give the case jacket to
20 the person or persons who will attend the autopsy, and
21 copies of all those reports have already been faxed to the
22 medical examiner's office.

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1 Q Had you filed your report by the time you ended
2 your shift?

3 A Yes.

4 Q Had all the other officers on the scene completed
5 their reports?

6 A I won't say positively, I am pretty sure we had
7 everybody's report, at least a copy of it, faxed to CIB,
8 put in a jacket. At least a copy of it faxed to CIB by --

9 Q By the time you left?

10 A Yes.

11 Q Do you know if all of those reports were faxed to
12 the medical examiner?

13 A Initial reports and scene report. Every report
14 will be done. Witness interviews -- what the medical
15 examiner needs to know is what the scene is. Obviously if
16 there's a witness that can say I saw him shoot himself, or
17 something like that, that kind of helps in determining
18 that's a suicide.

19 But basically the scene report is what he gets.
20 The initial report and the scene report is what he gets.

21 Q Who is usually responsible for providing those
22 reports to the medical examiner?

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1 A The investigators handling the case.

2 Q So if it was your case, you would normally fax it
3 to him?

4 A Yes. Fax it to him.

5 Q Do you know who provided it to him?

6 A I did. I faxed it to him.

7 Q Before you ended your shift?

8 A Yes.

9 Q How many autopsies have you attended?

10 A Probably over a dozen.

11 Q How many in Virginia?

12 A I have never attended one in Virginia.

13 Q How did you feel about not attending the autopsy,
14 in terms of your investigation?

15 A Well, I felt that, of course, I wanted to be
16 there. I was hoping it would be the next day. I knew the
17 possibility, with White House involvement, that they are
18 going to get what they want. If they wanted it moved up,
19 they would get it. I had no control over that. If I
20 wanted to get dressed and go out, I could have gone. I was
21 too tired.

22 So far as the investigation, at that point, I had

1 my strong suspicions -- or my opinion was that it was a
2 suicide.

3 I mean, like I said before, you look at the
4 evidence, what we had, interviews, death notification,
5 talking to Mrs. Foster, statements she had. There were
6 more investigations done, people to be interviewed,
7 obviously, but the scene, evidence on the scene, there was
8 nothing contrary to the evidence of suicide. So as far as
9 me not being able to provide the doctor with any
10 information, I didn't think there was any information that
11 he wouldn't get.

12 Q So there was nothing that would have come out of
13 the autopsy that might have affected how you proceeded with
14 the investigation?

15 A No. And an investigation isn't over in one day.
16 I shouldn't say no. Sure, there could be things that would
17 come up in an autopsy that would say, oh, that's odd. But
18 because I wasn't there -- the investigation isn't going to
19 be over in one day. I may be aware of what is going on
20 anyway and be aware of what the doctor says. I can always
21 recontact the doctor. He can go to his notes before the
22 report is written and we can go from there.

1 Q Did you ever talk to Dr. Beyer in this case after
2 the autopsy?

3 A No. There was no need for me to talk to him
4 again because I was kind of put on the sidelines, kind of
5 sidelined. I wasn't a starter anymore.

6 But I kept getting asked to go places and talk to
7 people.

8 Q When you say you were "sidelined," does that mean
9 that Detective Markland was going to handle the
10 investigation?

11 A Yes, Detective Markland was assigned the case,
12 which is not unusual, to have somebody else go to the scene
13 of the crime. It's in a different district. You have
14 somebody else assigned to the investigation.

15 Q So is it fair to say that Detective Markland was
16 handling the case and calling the shots about what was
17 needed who to talk to, what to do?

18 A I think between Detective Markland, and a large
19 part of it, Captain Hume, he is the captain.

20 Q How much were you talking to Detective Markland
21 and Captain Hume in the days following the death?

22 A I talked to him quite a bit.

1 Q On a daily basis?

2 A Daily basis, what was going on.

3 Q Did you talk about your theories of the case or
4 how you thought the investigation was going?

5 A Yes.

6 Q Did the White House get mentioned in those
7 conversations?

8 A Yes.

9 Q Will you tell me a little bit about them, how it
10 had come up, what kind of context?

11 A This is from memory, but I know that Captain Hume
12 was very upset, the White House was stonewalling us in our
13 investigation and getting access to the office and they
14 went up there, weren't allowed in, weren't treated very
15 nicely, and they were very upset. They had to go up a
16 second time before the things were put together and they
17 were allowed to go in there. After that time, I wasn't
18 there. I only heard what people told me.

19 Q Other than the office, the search of the office,
20 what about other parts of the investigation? Did you talk
21 about the fact that the autopsy schedule was moved up. Did
22 you ever talk about that with Captain Hume?

1 A There was nothing to talk about. It was, again,
2 something I expected. If you are in the White House, and
3 that close of a friend, I would suspect they would say no,
4 we want it done today, push everybody else back. They want
5 it, they would get it. There was nothing to talk about
6 there. I kind of expected that myself.

7 As far as other things, like I said, Captain Hume
8 went with me to interview Beryl Anthony. I went with
9 Lieutenant Kass to review documents that were eventually
10 removed from Mr. Foster's office. I went to Hamilton,
11 James Hamilton, I believe his name is, family attorney. So
12 I still was involved in this investigation.

13 Q Were you still getting various copies of the
14 reports that officers were filing in the course of the
15 investigation?

16 A No. Any reports that would come in, because of
17 this type of case, it wasn't assigned to me anymore, they
18 would give me faxed copies of reports that would be signed
19 over and they would go to Markland or Captain Hume would
20 take them and put them in the case jacket. So I was not
21 getting anything else.

22 Q Did you ever talk to any of the officers who

1 attended the autopsy?

2 A Yes.

3 Q Did they say anything about it?

4 A It was a fairly standard autopsy, I know that
5 they said that they had gone. Apparently there were powder
6 burns on the soft palate of the mouth. He pushed it all
7 the way up. There was a bullet hole in the center portion
8 of the rear skull, again, two inches, I would guess about
9 two inches, 2-1/2 inches from the top center.

10 Q Did they mention whether any X-rays were taken
11 during the autopsy?

12 A I believe that's -- I don't know. I don't know
13 if X-rays were taken.

14 Q In the autopsies you previously attended, have
15 X-rays been taken?

16 A Not usually. It's not usual.

17 Q You are talking about with respect to the
18 autopsies you have attended?

19 A Right, with respect to the autopsies I have
20 attended. I'm not a doctor or pathologist, but when
21 photographs are taken the body is usually so cut up that
22 they are probing everything, but I don't know in this case

1 and I don't know -- I know that the ones I have attended,
2 there haven't been X-rays taken.

3 Q I actually want to take you back to the other
4 medical examiner in this case, Dr. Haut. I had some
5 questions about what he did at the scene.

6 Do you remember about how long you were at the
7 scene before Dr. Haut arrived?

8 A I think I said about an hour. It may have been
9 more than that. It's hard for me to judge. I am sure it
10 was in the report. It was just such a hot day. It seemed
11 like time was dragging by. I don't know if it was an hour
12 or more or less than that. I would say it was at least an
13 hour. We like to call them right away because they take a
14 while to get there. A lot of times they come from home or
15 else they will respond from a scene.

16 Q Is it SOP to call a medical examiner in every
17 death, every death case?

18 A Sometimes they will ask you what you got, they
19 won't come out but most of the time they will come out.

20 Q Who called Dr. Haut in this case?

21 A I think communications in this case. We asked
22 them to notify the medical examiner.

1 Q But you didn't call them. You didn't make a
2 request that a medical examiner be called?

3 A I don't remember. I have numbers in my folder.
4 I could have picked it up and called him myself. To tell
5 you the truth, I don't remember.

6 Q Do you know if there is a standard operating
7 procedure about how to deal with contacting medical
8 examiners?

9 A Routinely we just ask the communications section
10 to contact them.

11 Q Who briefed Dr. Haut when he got to the scene?

12 A I did.

13 Q What did you tell him?

14 A Basically I have got a white male laying on the
15 ground on an embankment, pool of blood under his head,
16 revolver in his right hand, no sign of a struggle, no signs
17 of obvious trauma anywhere in the body, other than there's
18 a pool of blood under the back of his head.

19 Q Were you briefing him right above the body, right
20 over the body, or were you out on the parking lot?

21 A No, I was on the scene. So he got there and I
22 talked to him walking up to the body.

1 Q Do you recall using the word "suicide"?

2 A I told him "apparent suicide."

3 (Recess.)

4 BY MR. DARMER:

5 Q Back on the record.

6 I think we were just talking about Dr. Haut and
7 when he arrived on the scene. After you briefed him, when
8 he arrived on the scene, what did you do next with him?

9 A We looked over the body.

10 Q Were you talking while you were looking it over?

11 A Probably, I don't remember word for word or which
12 step I took or who said what, but, in the process,
13 certainly, we were discussing the scene and what was going
14 on. I think at the point, I believe, Dr. Haut arrived on
15 the scene, that Simonello removed the weapon from Foster's
16 hand --

17 Q Yes.

18 A -- and collected that. And previous to that, I
19 believe, we collected the glasses at the bottom. There was
20 no real reason to leave them there for the doctor. His
21 thing is to look at the body, basically.

22 And then at that point, he, you know, examined

1 the front of the body, basically looking it over, again, no
2 obvious signs of trauma.

3 Q Was he touching it while he was examining it?

4 A I believe so. I can't picture this in my mind,
5 for some reason. What I remember next is we rolled the
6 body over.

7 Q How did you do that?

8 A Simonello removed the gun, I grabbed the right
9 hand and rolled him towards me, on the left side, and --

10 Q So, the body ended up in a position away,
11 different than it had been when you first saw it?

12 A Right, yes, and I also, before he rolled him I
13 took the beeper and I think his two rings and his watch.

14 Q What did you observe under the body on the ground
15 where the body had been?

16 A The only thing I observed under the body, again,
17 was a pool of blood where it had been on the ground, his
18 shirt was bloodsoaked. The blood had all run down the
19 back. It was wet, bloodsoaked.

20 Q How far down the back?

21 A I would say midway or more down the middle of the
22 back. I am thinking primarily, left side? I have it

1 written down in the report, whichever side it was.

2 Q But was it full back or dripped in lines down the
3 back?

4 A No, it was not lines, it was a big wet patch of
5 blood, soaking wet.

6 Q What about on the ground?

7 A I believe there was some blood mark on the
8 ground, I don't remember. But most of the blood under his
9 head, where his head was, yes, there was blood on the
10 ground, but most of the blood that had run down was
11 absorbed in his clothes.

12 Q Was there any kind of dirt or leaves on his
13 clothing when you rolled him over?

14 A Yes, he was on the ground, laying on the ground.
15 The hill, berm or embankment was dirt, there was other
16 leaves and grass around him, but it wasn't like a pathway,
17 it was too steep. You would break your neck walking down
18 there, but, yes, there was dirt, leaves, flies.

19 Q On the back of his clothes, when you rolled him
20 over?

21 A I assume it would be, because he was there, I
22 don't remember for sure.

1 Q Do you remember -- did you ever notice any dirt
2 on his shoes?

3 A The shoes were flat, solid leather dress shoes,
4 black, I believe. Again, flat, mid-sole leather shoes.
5 This was during a drought in July, over 90 degrees. The
6 dirt was dry, dusty dirt. So, no, there was no dirt or any
7 soil encased on his shoes other than dust marks, you know.

8 Q Did Dr. Haut say anything? Do you recall him
9 saying anything about the scene after the body had been
10 turned over?

11 A No, no. Dr. Haut then -- I don't recall him
12 saying a whole lot of stuff.

13 Q Well, I think you mentioned earlier that you
14 talked about the -- you talked about the time of death,
15 determination?

16 A Right.

17 Q What did he say, what do you remember him saying
18 about that?

19 A He asked us what time did we get there. I told
20 him about 6:00. He said, well, we will make that time of
21 death.

22 Q What did you say?

1 A I didn't say anything. I was kind of stunned. I
2 looked at Simonello.

3 Q In your experience, how is time of death usually
4 determine at a scene?

5 A Time of death isn't determined at a scene. You
6 can give a general and -- time of death will never be
7 determined, exact time of death. It's not Quincy
8 television where you can get that, you know, and obviously
9 he knows that, so he just -- and maybe he meant, we will
10 pronounce him at 6:00, whatever, you were here. I don't
11 know what he meant. I can't get in his mind, but I know I
12 was stunned when he said that. Obviously it wasn't the
13 time of death.

14 But, you know, that's what he said, so I didn't
15 argue with him.

16 Q Was he writing anything down?

17 A I don't remember. He may have had a little
18 report pad. I don't remember.

19 But time of death, various factors, lividity,
20 rigor mortis, obviously the whole investigation, last time
21 somebody saw him, window of death, when is the last time
22 somebody would have seen him, when was he found, and then

1 the physiological factors that are taken into effect.

2 Q Is it SOP to ask the medical examiner to try to
3 estimate a time of death?

4 A On the scene, you could, yes, you could say, and
5 about how long. It was quite apparent he wasn't there that
6 long.

7 Q You mentioned that before. Tell me again why you
8 thought that.

9 A His skin was still warm and that could have been
10 from the heat of the day, although several factors
11 accelerate rigor mortis. He did have lividity, which
12 starts basically almost -- onset is almost immediately.
13 The heart stops pumping blood, gravity takes over and blood
14 goes to the lowest portions of the body. Rigor mortis
15 starts two to four hours, manifests itself six to 12 and
16 heat can accelerate that and other things, drugs, can
17 prevent it from being accelerated, also. His skin was
18 still warm. I lifted his arm. Rigor mortis usually will
19 start in extremities and smaller parts, and he seemed very
20 flexible to me, and the blood was still wet.

21 Q The blood on the body?

22 A The blood under his head was just starting,

1 starting to gel. It was still wet. The edges, I think the
2 edges where there was less blood were starting to gel. So
3 it led me to believe that he hadn't been there more than a
4 couple of hours. Again, the flies, I just -- he hadn't
5 been there that long because they are pretty fast workers.

6 Q Did you share these observations with Dr. Haut at
7 the scene, talk about this kind of stuff?

8 A Yes, also Simonello. Simonello had been an
9 identification technician for several years, we had worked
10 several death scenes. So my training and experience -- you
11 know, I utilize his training and experience in doing things
12 and us discussing things. Again, like us discussing
13 certain things, I know people overheard something so they
14 made statements, but we discussed several factors, several
15 possibilities and basically what we thought basically had
16 happened.

17 Q Did Dr. Haut tell you anything or observe
18 anything that affects your -- affected your estimated time
19 of death?

20 A No, I don't remember that he did. The only
21 thing, like I said, that I find odd and still find odd is
22 that he would say, what time did you get here, we will make

1 that the time of death.

2 Q But you didn't raise it with him?

3 A No. I mean, again, I was shocked, and I was
4 thinking, maybe I don't know what he means, maybe he means,
5 again, means, death notification, but he wasn't there at
6 6:00. I forget exactly what time he was there. I was just
7 shocked. I believe I talked with Simonello about that,
8 too.

9 Q Did you mention it --

10 A But what I figured, I basically figured that, all
11 right, he is on the scene, but the autopsy report is going
12 to give him a more detailed time of death, based on all the
13 factors and the doctor doing the autopsy and the
14 physiological factors, we will probably be getting a more
15 detailed time of death.

16 Q Do you generally expect to see a time of death in
17 an autopsy report?

18 A Bodies like the Park Police handle are normally
19 dumped bodies or found. In ours, we would request about
20 when. Like I said, it's not television, you can't
21 pinpoint. Only way you can do it is if someone sees it,
22 like this guy at the Lincoln Memorial. He videotaped

1 himself shooting himself.

2 Q But it also included an estimated amount of time?

3 A I am not sure if he would write it in the
4 report. There are so many parts to these autopsy reports.
5 I would definitely expect to have an idea from the doctor,
6 an approximate time of death, a time frame based upon our
7 information, the physiological information he is getting
8 and interviews later, trying to close the window of death.

9 Q Do you know if anyone requested the medical
10 examiner, Dr. Beyer in this case, to estimate a time of
11 death?

12 A I am quite sure that he was asked, again, because
13 of the nature of this, because the only window of death
14 that we at the time could find was, and, again, the autopsy
15 report is not ready right the next day. I am sure if he
16 didn't do it that day they went back, said, look at your
17 notes and reports, the information came, because the best
18 we got was 1:00 or 1:30 in the afternoon, he left his
19 office after he had lunch at his desk, and he was found at
20 5:30 or right before 6:00.

21 Q Do you know if Dr. Haut filed any kind of report
22 in this case?

1 A No, no, I don't. We wouldn't get anything
2 from -- I have never gotten anything from the medical
3 examiner who came on the scene. It's either their notes or
4 they have a standard form they thought to give to the
5 doctor who's going to do the autopsy and then those notes
6 may be incorporated into the autopsy report.

7 Q But it doesn't come through the police.

8 A (Witness nodded.)

9 Q When you turned the body over with Dr. Haut, did
10 you or anyone else take photographs of the area under the
11 body?

12 A You know, we rolled that body and I took
13 Polaroids of the body rolled -- and it's not funny, but the
14 reason I remember it is because I pulled his arm up,
15 rolling him, obviously moving the body. I didn't care what
16 position he was in, one arm was pulled up, and he began
17 sliding down the hill. So Dr. Haut stood at his feet while
18 I rolled him over to keep him from sliding all the way down
19 the darn embankment. I pulled one arm up. So when I
20 rolled him, one arm was up, I forget which arm, and I
21 pulled him, he slid down a little bit, so I pulled him back
22 up, so he is actually higher up on the hill now. It looked

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1 like he was crawling up the hill and it looked funny,
2 wasn't funny. It's kind of one of these things, but I
3 didn't take pictures because it was funny. I know I took
4 Polaroids of that. I am not sure exactly how many I took,
5 but I don't recall seeing those Polaroids again. I mean, I
6 had them in the office that night, I did reports, and I
7 don't know what happened.

8 Q Do you remember how many Polaroids you would have
9 taken?

10 A Unless there was something significant.

11 Q I'm sorry.

12 A Unless there was something significant. Again,
13 the shirt, the back of his shirt being bloody was
14 significant, back of his shirt and back of his head. I
15 don't think I took many because Simonello was taking the
16 35s.

17 Q Did he take a lot of photographs?

18 A Yes. He did take a lot of photographs.
19 Unfortunately, for whatever reason, they were underexposed,
20 overexposed.

21 Q Did you tell him from what angle to take the
22 shots?

1 A No, he is the expert. If there is something
2 specific I want to show that he is not picking up, he will,
3 but he is basically the ID expert, he knows what he needs
4 to show and he basically does his job without my
5 interference.

6 Q Do you know if he took pictures, after the body
7 had been turned over, with the 35-millimeter camera?

8 A Yes, he sure did.

9 Q Did you have more than one packet of Polaroid
10 film with you that day?

11 A I think I had more than one packet. I don't
12 think I took more than one. There's only 10 in a pack. I
13 may have reloaded because I know I took some on the
14 backside. I don't have those photos, I put them in a
15 jacket, God knows how many people looked through those, and
16 I don't know what happened.

17 Q When did you first notice they weren't around?

18 A I don't recall until being interviewed by the FBI
19 about it. I know I took pictures.

20 Q Well, you indicated in your report that you took
21 pictures; right?

22 A Right.

1 Q It's those pictures that you don't remember being
2 in the jacket or in the file afterwards?

3 A I don't remember seeing backside photos, and I
4 know I would have taken, I had at least one from a way from
5 him, after rolling him, and probably at least two more, or
6 at least one more. I would say there has to be two,
7 because I would have taken -- since a lot of times
8 investigators won't take too many Polaroids, they will
9 leave it to me, and I wanted to have photographs, I may
10 have taken a closeup of the back of the head, there may
11 have been one, but I don't remember.

12 Q Polaroids come out right as you are taking the
13 pictures; right?

14 A Yes, right.

15 Q Do you remember as you were taking the pictures
16 looking at the pictures right then?

17 A Right.

18 Q What was the quality of the pictures?

19 A I think the Polaroids were fine.

20 Q Dark, light?

21 A I mean, Polaroid-quality photos are not as good
22 as 35s as far as clarity. The color of a Polaroid is not

1 exact. Like, the plants that are green do not look exactly
2 green. The color was not exact on the Polaroids, but as
3 far as being able to see what is there, you could, but,
4 again, the blood was not very visible on the ground in the
5 Polaroid photos.

6 Q Do you recall taking a specific picture of the
7 pooled blood that had been under his head?

8 A I don't recall that. I recall taking a picture
9 of his head and around it, and I recall looking at the
10 Polaroid and not being able to see the blood very well at
11 all, but I noted and I remembered perfectly that -- because
12 no one had said anything to me on the scene like I don't
13 see any blood or anything. There was none of this
14 discussion there about all the stuff that came out later.
15 When I got there, I did my observations of the scene and I
16 noted I observed the pool of blood under the guy's head.

17 Q Did you say that you also saw some Polaroids that
18 Sergeant Edwards might have taken of the scene?

19 A They had at least two Polaroid photographs.

20 Q They had photographs?

21 A Photographs, two Polaroid photographs that I
22 requested, and I am not sure which ones they are, they may

1 be in the -- I may have just put them in the -- I think I
2 told them to mark the -- to initial the photographs. I
3 don't know if they are in there either. I don't know if
4 this is my fault, but I believe all the photographs were
5 put in there and they don't show anything different. I
6 looked at them, they don't show anything different than my
7 photographs.

8 Q But you say you only remember two photographs
9 from Sergeant Edwards?

10 A Yes.

11 Q Do you remember being shown photographs when you
12 were interviewed by the FBI?

13 A Yes.

14 Q What kinds of photographs were they?

15 A They were my Polaroid photographs.

16 Q Were they yours?

17 A Yes.

18 Q How could you tell they were yours?

19 A I remember taking them. I remember what pictures
20 I took, but anybody could have taken the same angle and
21 pictures, but Simonello came out. I am assuming they were
22 mine because there were no other pictures.

1 Q Had you marked them in any way to show that the
2 pictures were yours? Had you put on the back "Rolla" or
3 any other mark?

4 A I may have. I don't remember.

5 Q Did you see any 8-by-10 photographs when you were
6 with the FBI?

7 A Yes. They had taken photographs of the Polaroids
8 and blown the photos up, I think.

9 Q What kind of quality were those photographs?

10 A Well, they did a great job, but they were
11 basically photographs of the Polaroid and, again, colors --
12 you can't make the color any better than it is. The color
13 is what it is in the Polaroid photographs, but I think
14 overall the clarity was pretty good.

15 Q Did you remember seeing any photographs shown to
16 you by the FBI other than ones that you remember taking?

17 A I know what this is. The FBI, there was
18 confusion between Bill Colinbell and what is the other
19 guy's name, Murphy?

20 Q FBI agents?

21 A Murphy, right, who was interviewing us. I sat in
22 on Simonello's interview and he left. I was with them

1 about 5-1/2 hours. Originally, I think it was Murphy or
2 Colinbell, one of them, the photographs we were looking at,
3 one of them said, these are aren't Polaroids, these are
4 35-millimeter photographs that we enhanced. We were
5 looking at them and saying, damn, how did you do that.
6 that's fantastic technology. When I found out later, the
7 other guy said these aren't 35-millimeter, there were two
8 pictures that looked like they couldn't have come out at
9 all and they are very, very, very dark. Actually what we
10 were looking at are the Polaroid photographs. That's where
11 the confusion was, before I found that out, Simonello had
12 left. He was already gone, and he wasn't made aware of
13 that fact. So the photographs we looked at were Polaroid
14 photographs that were photographed and blown up. I think
15 they had two 35-millimeters that were enhanced the best
16 they could and they were still very, very dark.

17 Q Do you remember what shots they were of?

18 A I want to say the car. I think one was the car,
19 at least. I am not sure of the other one. I am thinking
20 one was the car.

21 Q Did you ever see the developed 35-millimeter
22 photos that Simonello had taken? Did you ever physically

1 see them?

2 A No. Other than the two that they enhanced and
3 blew up and said these were the best ones they could do and
4 these were very dark. I couldn't make out too much.

5 Q You are right. Now, going back to the time of
6 the incident?

7 A No. Because I was just told they didn't come
8 out.

9 Q Who told you?

10 A I don't remember. I don't remember if it was
11 Captain Hume or Markland or Simonello or who it was, but
12 the photos didn't come out. I was, like, thank God I took
13 Polaroids, because at this time we did a videotape, which,
14 from now on --

15 Q In your experience, how often have photographs
16 not turned out from a scene?

17 A Not often.

18 Q When you first saw the body, can you describe
19 which position the hands were in?

20 A Like this.

21 Q You are indicating palms up?

22 A Palms up, down by the side.

1 Q About how close to the body?

2 A I would say the left hand was about, I don't
3 know, 4 to 6 inches and the right hand was right alongside
4 the right thigh, that wouldn't be his thigh, his hip. His
5 upper thigh and hip area, buttocks, right cheek area,
6 buttocks, right along the side there.

7 Q How would you describe the relationship of the
8 gun and the right hand on the side?

9 A Gun?

10 Q How did you see the gun in the hand?

11 A The thumb, right thumb was through the trigger
12 guard and was pinched by that, by the trigger, stuck in
13 there. I think the grip was basically in the palm of his
14 hand and the barrel was basically pointing out from his
15 webbing area, that index finger webbing area. I noticed
16 that it was an odd grip. It is an odd grip, no question
17 about it. The way you grip a pistol --

18 Q When you say the grip was in the hand --

19 A I am trying to remember, and I think it was that
20 way. It was an odd position, but the thumb was through the
21 trigger guard and was pinched in there by the trigger.

22 Q Were you there when Simonello removed the gun?

1 A Yes, and he did have a hard time pulling the
2 hammer back, partially cocking the revolver to allow the
3 trigger to pull back a little bit to slide the gun off of
4 the thumb.

5 Q Did anything about the death scene when you first
6 saw it strike you as unusual?

7 A No. There was absolutely -- I mean, again, at
8 the beginning, at the end, what's unusual is there is a
9 dead body there. Why? Why is there a dead body here?
10 That's what we are here to determine. No drag marks, no
11 tire marks, this man is wearing probably a tailor-made suit
12 with an expensive dress shirt, white, not wrinkled, very
13 neat, he is a big man, the shirt tails aren't pulled out,
14 no signs of a struggle, no broken brush, no scuff marks on
15 the dirt around him, no obvious trauma to his face, neck,
16 hands, nothing, other than a man laying back with a gun in
17 his hand and blood coming out from the back of his head and
18 trickling from his right nostril and the right side of his
19 mouth.

20 Q I think you mentioned in response to an earlier
21 question something about stippling on the face? Do you
22 recall that?

100

1 A Yes.

2 Q What is that and what did you see?

3 A Very slight -- it's marks from the blast of a
4 fire, blast of a gun. It's not gunpowder, it's just
5 residue that can be washed away, I believe.

6 Q Did you notice it in any particular location or
7 all over his face?

8 A No, no, no, his face was very clean. His face
9 was clean except for he had a trickle of blood out of the
10 nose and the nostril, which I did check, that was -- to me
11 it was still wet, starting to dry, but it was basically
12 very clean, but a few marks that I would characterize as
13 stippling.

14 Q You indicated that Foster's thumb was in the
15 trigger?

16 A Right.

17 Q Caught in the trigger?

18 A Yes.

19 Q Did his thumb appear to be swollen at all?

20 A It's hard to tell. It didn't appear to be
21 swollen, no. The man was a big man. Again, he had big
22 hands. His revolver is not a big revolver. It's a very

1 old .38 caliber revolver. It's not very -- not a large
2 gun. It's like mine -- like mine. His thumb is obviously
3 much bigger than mine, but you could just see that it was
4 pinched, it was held in place by the trigger, between the
5 trigger guard and the trigger.

6 Q Based upon how you saw the hand holding the gun,
7 did you develop any idea or did you have any thoughts about
8 how the gun might have been held when the shot was fired?

9 A Yes. Me and Simonello talked about that. We
10 discussed a couple of different possibilities, again,
11 looking at his mouth and his face, no signs of trauma, no
12 bruises. Unless something obvious came up in the autopsy,
13 I think we at this point, you know, were still -- obviously
14 still conducting the investigation, but based on the
15 evidence, we kind of leaned towards suicide, but as far as
16 the gun, how the gun was held, we discussed a couple of
17 different ways.

18 One way that we discussed was, holding it
19 backwards, gripping your hand, holding the thumb through
20 the trigger, putting it in your mouth and pulling the
21 trigger with your thumb.

22 Q Could you describe what you mean holding the gun

1 backwards?

2 A Holding it pointed at you with your thumb in the
3 trigger.

4 Q Held it in his right hand?

5 A Holding it this way, I would assume that he held
6 his other hand onto his right hand, left hand onto the
7 right hand.

8 Q Holding onto the grip?

9 A Holding onto the grip with the right thumb
10 through the trigger.

11 Q How would the gun be shot in that position?

12 A You just pull the trigger.

13 Q Pull or push?

14 A Pull -- well, however you want to describe it.
15 You don't say push a trigger, pull a trigger. The thumb
16 may pull the trigger back to fire the gun.

17 Q Did you talk about other possibilities?

18 A Yes.

19 Q What were they?

20 A There was another position of the hand over the
21 top of the hand.

22 Q Could you describe what your gesture is?

1 A Over the top of the gun, over the frame of the
2 gun with the thumb in the trigger, and the other hand
3 holding the grip, and pulling or pushing back, pulling the
4 trigger with the right thumb.

5 Q Did you, among yourselves, decide that one or the
6 other of these was more likely?

7 A I think we decided that on the scene, no, we
8 didn't decide which one was more likely. We decided he had
9 it in his right hand, his thumb was in the trigger and he
10 pulled the trigger with his right thumb, pretty much.

11 Again, I say "decided" based on the evidence we
12 are looking at there. We were not making a final
13 determination.

14 Q Could you tell from the scene whether he was
15 right- or left-handed?

16 A No. I mean, I don't know how you tell if
17 somebody is right- or left-handed.

18 Q Did you ever find out in the course of the
19 investigation whether he was right- or left-handed?

20 A I don't remember.

21 Q Do you think that would be an important fact at
22 all?

1 A Right- or left-handed?

2 Q Yes.

3 A It may be or may not be. When a man kills
4 himself -- I don't know what becomes an important factor
5 when you kill yourself, put a gun in your hand. He was
6 holding the gun in an odd way, so I don't know that.

7 Q You don't know if it was ever determined whether
8 he was right- or left-handed?

9 A It may have been. I don't remember hearing if it
10 was. Sometimes I think I hear that he was left-handed.
11 Again, he is holding the gun in an odd manner. The portion
12 of the gun he is holding, if he was left-handed, may have
13 been his strong hand. That may have been the way he held
14 it and did it this way.

15 Again, it was an odd way to hold the gun.

16 Q After the scene, when you were away from the
17 scene and you were talking about the case, did you remember
18 any conversations talking about other possible positions or
19 configurations in which he could be holding the gun that
20 were discussed?

21 A I don't remember.

22 Q I think you said earlier in response to a

1 question from Mr. Ivey, that you believed that he had been
2 sitting down on the berm; is that right, when the shot was
3 fired?

4 A Right.

5 Q How did you make that determination, or what led
6 to that conclusion?

7 A Well, if he had been standing up when he shot
8 himself, he would have fallen down the hill.

9 Q Why is that?

10 A Because it was a steep hill. He wouldn't have
11 landed in the position he was in, he would have fallen down
12 the hill. If he was laying down and just laid back and
13 shot himself, probably the bullet would be in the ground
14 under his head, which it wasn't. The position of his hands
15 might be different at that time.

16 The position of his body, his hands, his head,
17 his natural gravity and the scene all around him was
18 consistent with him sitting down, relaxing, contemplating
19 what he was going to do for however long he did it, putting
20 a pistol into his mouth, pulling the trigger and falling
21 back to the ground, natural gravity, and he just fell back.

22 Q Was there anything else about the scene that

1 caused you to come to this conclusion?

2 A Again, as I said, there was no struggle -- no
3 signs of a struggle, no broken brush, he was very neat, and
4 the position of the body and that's just pretty much what
5 we surmised happened.

6 Q Let me ask you a couple of questions about the
7 area in which the body was in. You mentioned that there
8 was a cannon at the top of this berm; is that right?

9 A Yes. It's not on a berm, it's back.

10 Q From where the body was, can you see the cannon?
11 Not if you were the body, but if you were standing looking
12 at the body, could you see --

13 A Well, the body, the top of the berm is higher
14 than the rest of the area. So, yes, you could see the
15 cannon.

16 Now, like I explained before, when you are
17 standing where the cannon is at, and I would say within
18 a -- I will give you maybe as much as 10 feet in an area,
19 the foliage is so thick and his head is just at the crest
20 of that berm, you can't see a body. You have to be
21 looking, like there was a head there, gray hair. You would
22 have to be looking for it.

1 You can walk, look at the cannon, look around,
2 you would probably see it, but I don't think there's going
3 to be anybody casually walking by, doing something else
4 that would see it.

5 Q Was the body aligned with the direction of the
6 cannon, the barrel of the cannon? Was it in the same
7 direction?

8 A Yes. The cannon is in an earthen fort, cannon
9 faces outward that's the way the berm was and you could
10 view the top of the body.

11 Q Do you know which direction the body was laying
12 in when you found it?

13 A I think I wrote it in my report what direction
14 the head was in. I am trying to figure it out, if you are
15 at a scene, and the roadway to the area is winding, I
16 forget.

17 Q Do you remember if someone measured the distances
18 from the base of the cannon to the body?

19 A Yes.

20 Q Who did that?

21 A Simonello.

22 Q In your report, you indicate that -- in your

1 report, or your supplemental report, you indicate that the
2 head was facing east and his feet were facing west.

3 A Yes.

4 Q Do you recall -- do you remember how you made
5 that determination?

6 A I probably asked one of the officers what
7 direction is this. Because the officers that work in that
8 district are a little more aware.

9 Q Were you oriented to directions, yourself, in the
10 park? Would you have known, yourself, which way was north,
11 south, east and west?

12 A I would have figured it out. GW Parkway runs
13 north and south. You are walking a distance, you go
14 uphill, you walk this way, this way, up this way, and then
15 you walk over here to the body. I would say that's
16 correct, east and west.

17 Q You didn't have a compass or anything with you?

18 A No.

19 Q Do you remember how many cannons you passed in
20 the park when you were walking towards the scene?

21 A One. There were are only two cannons.

22 Q About how far away are the cannons from each

1 other?

2 A You can't see it. Probably 100 yards.

3 Q When you walked back to the parking lot from the
4 scene, who were you walking with?

5 A I came back with Investigator Abt, myself, and
6 the ambulance people walking the body out.

7 Q Had Foster's car already been identified in the
8 parking lot by the time you got there?

9 A Well, we identified it when I got there. I wrote
10 the tag down, description, and I ran the registration, but,
11 again, this man had no identification on him, but, again,
12 the suit jacket on his front seat did match the suit pants
13 he was wearing. That was our only clue other than that the
14 other two people there were lovers and all of this activity
15 for how long, nobody else came up to claim that car. We
16 kind of surmised.

17 Q But when you first got there, you ran the
18 registration, you went back with the registration to get a
19 check?

20 A I called from the car phone.

21 Q Just because there was an empty car on the scene?

22 A Well, because Officer Ferstle said he thinks this

1 is the guy's car, I think he said apparent suicide, there's
2 a gun in the guy's hand and the suit jacket in the front
3 seat matches his pants. That's what he said. So there was
4 no one else -- it is a park, not as infamous as others, but
5 it is a park where people are known to walk around and
6 homosexual activity does occur in the woods there, but
7 nobody did come up to claim the car and I observed -- I
8 looked at the jacket through the window. When I got at the
9 scene, I said, yes, this does match the pants.

10 Q Did you feel the hood of the car to see if it was
11 still warm when you got there?

12 A It was 90-some degrees. The whole car was warm.

13 Q Okay. Had the car been opened when you returned
14 to the parking lot?

15 A I think it might have been opened with Simonello
16 taking the photographs. No one had gone in and retrieved
17 anything.

18 Q Who was the investigator in charge of the parking
19 lot scene?

20 A Cheryl Braun did a parking lot scene, but how
21 this happened, I think she was interviewing people, and
22 when I, afterwards, was done with the other scene, I came

1 back and I took -- I went through the car.

2 Q After Simonello had photographed it?

3 A Right.

4 Q What did you do, what would you describe what
5 your search of the car was?

6 A We observed the car was unlocked, we opened it.

7 Q Were you wearing gloves, by the way, or not?

8 A No. It's hard for a lot of people to understand,
9 but we don't make a definite determination on death, it's
10 an open investigation, but you go by the facts that you
11 have. If there's some suspicion, which there wasn't then,
12 is not now and never has been, then, yes, it would be more
13 of a crime scene.

14 This is not, was not -- it's a potential crime
15 scene, but it wasn't a crime scene based on what evidence
16 we had. We went in, we were trying to identify the person
17 we had there, basically. I believe I went through the
18 passenger's door first and lifted up the suit jacket,
19 observed the White House identification with his picture
20 and name on it. I said this looks like the guy, Vincent
21 Foster, the guy the car is registered to, and looked at the
22 jacket, found the wallet with identification to Vincent

1 Foster and driver's license, among other things that were
2 in the wallet.

3 Q Did you look through the wallet right then?

4 A Yes, I did. I looked around, one of the things I
5 was obviously looking for was a suicide note, some form. A
6 suicide note is not always in a written form. It can be a
7 physical form.

8 Q What do you mean by "a physical form"?

9 A You have to look at your surroundings, also,
10 people doing things preparing for death, such as turning
11 off their pager, leaving a message, "I am not taking any
12 more calls." You can't say "Harvey called," something like
13 that, that's not a suicide note. It's not like there's a
14 handwritten note saying "I am going to commit suicide,"
15 something like that.

16 I looked through the wallet, through the papers
17 for something out of the ordinary to see if there would be
18 anything that would lead me to believe it was anything
19 other than a suicide. Robbery definitely wasn't a motive
20 because there was \$200-and-some in the wallet, credit cards
21 in the wallet, car unlocked. The keys puzzled us, but
22 obviously, I just missed the keys. They were in his right

1 front pants pocket the whole time.

2 Q Were you describing what you were finding in the
3 car? Was someone with you at the time or were you just
4 doing this by yourself?

5 A Yes, I mean, everybody was in the park at this
6 time because the other scene was cleared. I don't think I
7 was taking notes on what I found, because at this time -- I
8 think Cheryl Braun said he has a White House ID here, I
9 gave that to her, credit cards, wallet, driver's license.
10 I said this looks like the guy, this must be the guy, it
11 must be him.

12 Obviously, I secured the personal belongings,
13 wallet, jacket, the ID. I went through the car looking --
14 again, looking for anything that could lead me to believe
15 that it was other than a suicide or it was a suicide,
16 anything that could help confirm one way or the other.
17 There really was nothing. There was mail from his daughter
18 to him or him to his daughter in the trunk of the car and
19 stuff. There was a college sticker on the back of the car.

20 Q What about on the glove compartment?

21 A Nothing out of the ordinary. I think the vehicle
22 registration was in the glove compartment. I took that for

1 the time being.

2 Q Back seat area?

3 A There was a green canvas -- beige and green
4 canvas bag-type thing and there was nothing --

5 Q Did you look inside the bag?

6 A Oh, yes, I looked through the whole car. I
7 looked at everything.

8 Q What was inside the bag?

9 A I don't remember. It wasn't full. There may
10 have been a shirt or something.

11 Q Any paper?

12 A No. No. Trust me, I looked. I looked under the
13 seats, I looked in the trunk. I looked at every piece of
14 paper I could find.

15 Q Did you leave the paper in the car, did you
16 physically take it and remove it at that time?

17 A No. I left it. If there wasn't some reason to
18 have it, then, you know, I didn't take it.

19 Q So other than his ID and the wallet, did you take
20 anything out of the car at that time?

21 A No. I looked at the cards and letters in the
22 trunk. There was maybe some school books back there, too,

1 but I looked at everything. I looked through the books. I
2 pretty much looked at everything. There was nothing of
3 value to take. There was in it -- a lot of my feeling was
4 that his daughter used this car more than he did. For some
5 reason he had it today.

6 Q You didn't know that at the time?

7 A No. That was my feeling, cards in there, school
8 books in there, stuff with her name on it. It just seemed
9 more that a college kid was using this car than this guy
10 who worked at the White House.

11 Q Do you remember what happened to the pager? What
12 did you do with the pager that you found? Did you find the
13 pager in the car?

14 A No, the pager was on him.

15 Q What did you do with that?

16 A It was collected with his personal belongings and
17 the Secret Service -- Secret Service did come down and take
18 the pager.

19 Q Took care of the pager?

20 A They took the pager.

21 Q When?

22 A That night, I believe. I recall they wanted the

1 pager back.

2 Q So they would have come there?

3 A Criminal investigations branch at the Park
4 Police.

5 Q Did anyone look at the pager or do anything to it
6 before it was turned over to the Secret Service?

7 A Sure, it was put on a chain of custody form.

8 Q Did anyone, for example, try to switch it on?

9 A No, I don't think so.

10 Q Do you know -- in your experience, are you aware
11 that some pagers you can pull up memory of calls that might
12 have come in that hadn't been retrieved? Are you aware of
13 that?

14 A Yes.

15 Q Do you know if anyone --

16 A No. You know --

17 Q -- did anything with the paper?

18 A No, I worked with drugs 5-1/2 years, so I deal
19 with pagers a lot.

20 Q You know pagers.

21 A I tell you, I was tired. I know it took a while
22 to get back to the office. By the time I dealt with that,

1 I did not -- I didn't turn it on and I was notified that
2 Secret Service was coming down to get it, I put it on a
3 chain of custody form so they could sign for it. I was
4 just going to give it to them.

5 Q Do you remember who told you Secret Service was
6 going to come down and pick it up?

7 A No.

8 Q Were you there when they came?

9 A I think I was. I probably was, I probably was
10 the one that would have to look at the chain of custody
11 form. My signature would be on it, I turned it over to
12 them. I think I remember a guy coming down and talking to
13 them.

14 Q Do you remember talking about the investigation
15 with them?

16 A No. I wouldn't do that. He has nothing to do
17 with it, the investigation.

18 (Whereupon, at 1:30 p.m., the deposition was
19 recessed, to be reconvened at 2:00 p.m. this same day.)
20
21
22

1 AFTERNOON SESSION (2:03 p.m.)

2 Whereupon,

3 JOHN C. ROLLA

4 resumed the stand and, having been previously duly sworn,
5 was examined and testified further as follows:

6 EXAMINATION (Continued)

7 BY MR. DARMER:

8 Q Officer, could I ask you to take a piece of
9 paper, if you could just jot down, as you recall, the area
10 of Fort Marcy Park from the parking lot to where you
11 ultimately found the body, including any prominent fixtures
12 like cannons, and, if you could, orient it to the GW
13 Parkway. As best you can, doesn't have to be accurate.

14 A You are talking to a person -- I can't draw a
15 straight line.

16 You better give me some more paper to try to
17 figure this out. You want from the GW Parkway to Foster's
18 car and Foster.

19 Q Just mark them 1 and 2 if you are going to be
20 writing on more than one page so we know which way you are
21 going. Do you want a third piece rather than writing on
22 the back?

1 A No.
 2 Q Actually, why don't you. It's probably easier.
 3 A I am just doing this. I am not even using that.
 4 Q Okay.
 5 A Well, give me another piece and then if you want
 6 to look at it all, I won't have to write on the back.
 7 MR. IVEY: Are you marking all of these?
 8 MR. DARMER: Will you mark them as he finishes
 9 them.
 10 You don't want to use this?
 11 THE WITNESS: No.
 12 MR. DARMER: As soon as you are done, we will
 13 have the court reporter mark them.
 14 THE WITNESS: You kind of have to look at it like
 15 this.
 16 MR. DARMER: Why don't we mark them, whichever
 17 one comes first, 1 first -- or 2.
 18 (Rolla Exhibits 2 and 2-A identified.)
 19 THE WITNESS: That's the best of my recollection.
 20 BY MR. DARMER:
 21 Q Okay.
 22 A It's obviously not to scale.

1 Q Okay. It's your understanding that the George
 2 Washington Parkway runs what direction?
 3 A North and south.
 4 Q Is it your understanding there are no more than
 5 two cannons in the park?
 6 A Yes, and like I said, it's not to scale and the
 7 direction may be wrong, north and south, when I have him
 8 facing south and north here, but it's not drawn correctly.
 9 He is facing head east and feet west. That's what I wrote.
 10 Q That's in your report, is that what you recall?
 11 A That's what I wrote down. I am trying to figure
 12 out which way to do this. Do you have photographs for me
 13 to look at?
 14 Q No.
 15 A Aerial photographs. That would be the best way.
 16 Q Did the FBI show you aerial photographs?
 17 A I don't know if they took aerial photographs.
 18 Q Do you remember seeing them?
 19 A I don't remember. I don't remember.
 20 Q Do you remember if any of your Polaroid
 21 photographs you took at the scene included the cannon, the
 22 cannon in front of which the body was found?

1 A I think I took an overall photograph from behind
2 the cannon.
3 Q Looking?
4 A That way.
5 Q Could you see the body in that direction?
6 A As I said before, you could barely see the top of
7 the head.
8 Q So you just did this to orient where you were?
9 A Right.
10 Q During your entire time at Fort Marcy Park on
11 July 20, was any activity occurring around the first
12 cannon? Do you remember searching around the first cannon?
13 A No.
14 Q Do you know if anyone did?
15 A For what.
16 Q Anything.
17 A What?.
18 Q Whatever.
19 A You can search the whole park for something, I
20 guess. No, no reason to.
21 Q Okay. Also, do you recall any other personnel
22 being either at the scene of the body or at the scene of

1 the parking lot other than Park Police personnel or
2 emergency medical workers or civilians like the two in the
3 car?
4 A No.
5 Q Were there any FBI agents on the scene?
6 A I don't recall, no.
7 Q Do you recall any -- do you recall any
8 individuals on the scene that you simply couldn't identify?
9 A No. Anybody that was on the scene was
10 identified. Nobody could just drive up there. It was
11 sealed off. Again, if somebody came to that parking lot,
12 until that body was taken out, I was up on the scene with
13 the body.
14 Q No, I mean when you were there. I understand you
15 were down at the death scene and don't know what was going
16 on.
17 A No, there were no wanderers through the park, no
18 nothing.
19 Q Let me ask you a question: When did you drive to
20 the hospital to pick up -- to try to find the keys to the
21 car?
22 A After we left.

1 Q Directly from the park?

2 A Right.

3 Q Who was with you?

4 A Cheryl Braun.

5 Q How long were you at the hospital?

6 A Total walking in and going to the morgue, 15
7 minutes.

8 Q From the hospital, did you go directly to do the
9 notification?

10 A Yes. Well, directly en route to do that, but
11 then there were phone calls in the car and then to go pick
12 up Mr. Watkins.

13 Q I think you mentioned a couple phone calls you
14 had in the car.

15 A Correct. And I talked to Lieutenant Gavin twice
16 and probably three times, at least twice. I don't remember
17 the exact conversations, called this guy once from the
18 White House or something, Bill Kennedy and Craig
19 Livingstone or -ston, whatever his name is, I think I had
20 two conversations -- at least one, with him.

21 Q They asked you if they could go to the hospital
22 to identify the body?

1 A Yes, they asked me where he was at, I told them.
2 They wanted to know if they could go, I made them hold on,
3 I discussed it with Cheryl. We couldn't figure out any
4 reason why they couldn't look at the body and have them
5 say, this wasn't him. We had an ID that we believed it was
6 him.

7 Q Did you check with Lieutenant Gavin before
8 approving them going to the hospital to identify the body?

9 A No.

10 Q What is standard operating procedure for other
11 people identifying a body, nonpolice personnel?

12 A If the body is unidentified, and somebody wants
13 to identify it, fine. He was identified from the photo,
14 and at this point there was no -- he was at the morgue, and
15 we had finished with the body, with his personal effects.
16 The only thing, obviously, we wanted to get was the
17 clothing, which was going to remain with him until the
18 autopsy.

19 Q No, I understand. My question is, is it standard
20 operating procedure that if a body has been identified, but
21 someone calls and wants to go see it, they can just go see
22 it?

1 A Sure, that's not up to us anymore.

2 Q Is it the hospital's decision?

3 A The morgue or hospital where somebody says I want
4 to see the body and usual the hospital, if it's a loved one
5 killed or something, I am sure the hospital will let them
6 look at them, view the body.

7 Q What about the possibility that -- what about the
8 possibility of disturbing the body or clothing or evidence
9 as part of an ongoing investigation. Would you be
10 concerned about that?

11 A They are not viewing it alone.

12 Q Who are they viewing it with?

13 A They have to be let into the morgue room to view
14 it. Many times when you view a body, you are in a separate
15 room and view it through the glass. This time, I don't
16 think that happened. They were in the morgue in the
17 hospital, they were let in, the room attendant unzipped the
18 body bag, they looked at it, he zipped it back up.

19 Q You can't touch the body, for example, go through
20 the pockets?

21 A No, nobody would be allowed to do that.

22 Q After you okayed them to go identify the body at

1 the hospital, then you were told to call Watkins; is that
2 right?

3 A Somewhere around there. I mean, I talked to
4 Livingston, I did at least three phone calls in the car.
5 In between I was told to call this guy Watkins, a personal
6 friend. He said he worked with him at the White House, he
7 would like to go with us to the family for support. Of
8 course we said it was all right.

9 Q Once you picked him up, did you have any kind of
10 conversations about the situation?

11 A I don't remember the exact conversation we had
12 with him. I know he said his wife was following us. We
13 had to wait for her to get her car. It was only a couple
14 blocks from his house to where the Fosters were living. I
15 am sure -- it was not a quiet ride, I know we spoke. I may
16 have told him what was going on. I may have asked him a
17 couple questions, but if I asked him questions, I would
18 have written it down in the report, so -- and I didn't
19 write anything in the report, so, obviously, he didn't tell
20 me anything.

21 Q How did Mr. Kennedy and Mr. Livingston know to
22 contact Lieutenant Gavin? Do you know?

1 A I am sure they contacted the Secret Service.

2 Q Do you know who contacted the Secret Service?

3 A I don't.

4 Q You didn't?

5 A I didn't.

6 Q Do you know if Investigator Braun --

7 A I don't know who did. Any time we deal with
8 anybody at the White House, somebody gets arrested, it's
9 standard operating procedure to contact the Secret Service,
10 make the notifications, their system, and we work through
11 them.

12 Q Is that a written procedure that you let Secret
13 Service handle written notifications and any matter
14 involving the White House?

15 A I don't know if it's written procedure,
16 notification, if it's death notification or something like
17 that. They are not getting involved in our case. What we
18 are doing is the easiest way for us to contact people in
19 the White House, and if it is a matter of security or
20 something like that, it's best for them to be aware of
21 what's going on.

22 Q Have you ever been involved in a case involving

1 White House people before?

2 A We have arrested White House employees before,
3 yes, the Secret Service has been called. Obviously, that's
4 a matter of security and why they are being arrested and
5 that kind of thing.

6 Q I see. So, you don't know -- do you know how
7 Mr. Watkins received knowledge of the death?

8 A I am not sure. I mean, that's their claim, and
9 once the word spread, one person was notified, I am sure
10 they contacted each other and who has got it, the Park
11 Police, and the Park Police probably called the
12 communications section, who forwarded them, probably, to
13 the field commander, who was Pat Gavin. From there, he
14 forwarded them to us.

15 Q Do you know if Pat Gavin had communications with
16 any White House personnel like Watkins, Kennedy or
17 Livingston?

18 A I am sure he talked to them first and gave us the
19 number. I think I remember saying talk to this guy
20 so-and-so, give us a call or something like that.

21 Q In any of your conversations with Livingston,
22 Kennedy or Watkins on the way to the notification, was

1 there any reference to the FBI or Secret Service or
2 anything like that?

3 A No.

4 Q You mentioned that when you arrived at the Foster
5 home, it was like a circus, is that what you said?

6 A I said I didn't want a circus atmosphere for
7 making a death notification. I didn't want too many people
8 following me. It's bad enough, when you are home late at
9 night and some loved one hasn't been in touch, you can't
10 get in touch with them, the police flock on the door and
11 you get a feeling and you see coworkers and friends
12 standing behind the police, before you even get the words
13 out, they are going to be breaking down screaming, rushing
14 past you. You are not going to get any information. As
15 hard as it is to make a notification, and you want to let
16 the people grieve, still your job is to get information,
17 you know, without pushing them too much, but you still have
18 to get information.

19 The job is made much harder by all those people
20 being there.

21 Q Did you ever find out how Web Hubbell happened to
22 be at the door when you arrived?

1 A He came with, I believe, Sheila Anthony, because
2 Watkins said his sister or sisters are coming, could we
3 wait for them. I didn't know who the sisters were, I
4 didn't know how they were connected with anybody other than
5 they all came from Arkansas. You know, everybody came from
6 Arkansas that's working in the White House in Washington,
7 D.C.

8 I mean, I wasn't overly impressed or anything,
9 just everybody -- you know, so, but, again, I didn't want
10 all these people there. I told them, you are going to have
11 to wait outside then, could we wait for them, I want to go
12 up to the door. I started going up to the door, here they
13 came out and he was just with them, I don't know if they
14 rode together, met at the corner, whatever, but they all
15 came, all those people came together.

16 Q You don't know how they had learned of the death?

17 A No.

18 Q But they knew?

19 A They knew.

20 Q How long were you -- I guess I understand -- you
21 had the people who arrived sort of at the same time with
22 you sort of wait outside while you went into the House?

1 A Kind of like you go up some steps, a little
2 platform, up some steps at a house. They were up a
3 platform, little set of steps, rowhouse, townhouse. From
4 where they were it's 6 feet to where the door was. And you
5 have five people standing there talking amongst themselves,
6 you know, it was obvious that they were out there. And it
7 was -- like I said, I knock on the door it opened, Laura
8 Foster answered, I identified ourselves, asked her if her
9 mother was home. She said why, I think. I said I would
10 like to talk to your mother, could we please come inside.
11 She started screaming for her mother. We went inside and
12 she could see the people outside.

13 We went inside, at which time Mrs. Foster came
14 down and Watkins and his wife were coming in. Everybody
15 else started coming in, and she, obviously, she knew
16 something was up. And, I mean, with the commotion --

17 Q When you actually made the notification, it was
18 you, Watkins, Laura Foster and Lisa Foster was present?

19 A Everybody was in there by then.

20 Q They all came in --

21 A Everybody came in.

22 Q Into the front hall?

1 A It's a little foyer, a foyer with living room
2 area, hallway and the steps upstairs. So, she was on the
3 steps, the daughter was there, I was there, Braun, they
4 came in behind us. I said everybody was behind -- I feel
5 like everybody was behind me, I mean, because I know as
6 soon as I told her, and she kind of collapsed on the steps
7 and was hysterical, Watkins's wife walked right around us,
8 went right to her, hugging her, comforting her. At that
9 point everybody, very soon, was right in the foyer. I
10 think they were all just standing right at the door. I
11 don't imagine them listening to me and staying down and
12 doing what I wanted them to do.

13 Q Was there a lot of talking at that point when she
14 collapsed? Were people saying anything or was it quiet?

15 A No, they were talking amongst themselves. I
16 mean, me and Cheryl Braun were quiet, we were trying to --
17 there is going to be one person or another trying to
18 comfort her. Like I said before, questions came out; what
19 happened, or how. I think I said he killed himself or he
20 shot himself, however I put it, she asked me, did he put it
21 in his mouth.

22 Q Did you think that was unusual?

1 A I thought it was very unusual. I mean, again,
2 for whatever reason, my mistake is I didn't write it down.
3 We discussed it at the office. I said to me that was
4 something that somebody had threatened to do before, talked
5 about doing, you don't -- your husband or loved one has
6 just killed themselves, they shot themselves, under here,
7 here, in the chest, why pick one?

8 Q And that was the first thing she said to you?

9 A Did he put it in his mouth, yes. So I don't know
10 why someone would pick that unless that was a topic of
11 discussion at one time or another.

12 Q Did you ask her whether he had ever discussed?

13 A I didn't have an opportunity to. It went from
14 there to being hysterical, being covered. Again, the job
15 is to get information while being as sensitive as possible,
16 but with all those people there it made the job very
17 difficult, but everybody talking, taking her away, this and
18 that, we were not able to -- a typical notification.

19 Maybe one or two people there, parents, somebody,
20 you are sitting down and they are grieving, getting them a
21 drink or something. You can sit down, spend some time.
22 Normally people will gain control right away and want

1 information, want to give you information.

2 But that was not the case.

3 Q Did you at any time have an opportunity to sit
4 and talk to Lisa Foster apart from a group of people being
5 present?

6 A No.

7 Q Never?

8 A No. I mean, I talked to her, walking with her
9 from the living room area, towards the dining room, kitchen
10 area, and she did put her arm around me. I think she felt
11 bad at that point for us, because I did ask, did you see
12 this coming, Cheryl Braun talked to her, Sheila Anthony,
13 some of the other people she was trying to talk to at one
14 point, I think she was talking to -- was it Sheila
15 Anthony? She was talking to one of the women, and Web
16 Hubbell came and he just pushed her aside, moved her right
17 out of the way and took the woman away. Cheryl was mad.

18 Q Did she say anything to Mr. Hubbell?

19 A No.

20 Q Did Lisa Foster ask you any other specific
21 questions about asking you for investigation about what had
22 happened?

1 A Again, I am not sure exactly how I worded each
2 question in the beginning, and what happened, did he shoot
3 himself, what happened? Obviously her husband, Vincent, is
4 dead. She broke down, oh, no, no, no, how, I think. What
5 did she say then? I understand he killed himself, I'm
6 sorry he killed himself, how, he shot himself. At that
7 point she said did he put it in his mouth, or she just said
8 how, I think, without saying he killed himself, he shot
9 himself and did he put it in his mouth.

10 Q Did you feel that the presence of White House or
11 government people made your investigation more difficult?

12 A I feel this way, Mr. Watkins and his wife, who
13 played tennis with her earlier that day, they were
14 obviously friends of the family. I had no problem with
15 that. I feel too many other people came in there. I
16 didn't know who was who, but I felt -- I later found out
17 Web Hubbell, he spent the whole time on the phone, like
18 there were official things going on there. It made my job
19 difficult because we were not given access as fully as we
20 would have liked to with Mrs. Foster or -- again, we are
21 not animals, we are sensitive as possible to give the
22 people time, but it is important to get that information.

1 I don't think anybody did anything purposefully other than
2 this one time where, for whatever reason, whatever reason,
3 I am not saying it was for any particular reason, that when
4 Investigator Braun was talking to one of the sisters, and
5 Web Hubbell came and he just moved her right out of the
6 way, didn't say "excuse me" or nothing, just pushed her out
7 of the way, and that was that.

8 Q You are talking about Investigator Braun?

9 A Yes, Cheryl Braun.

10 Q How did he push her out of the way?

11 A He just pushed her on her shoulder, I believe. I
12 mean he didn't shove her against the wall or nothing like
13 that. He is a very big man. She is not very big. He just
14 very easily moved her.

15 Q Did anyone ever tell you that you couldn't
16 approach her or ask her any questions or have any time
17 alone with anyone?

18 A No. I don't say that anything was done
19 purposefully. It just made my job harder. No one said we
20 couldn't talk, but the job was harder -- she was taken away
21 upstairs with Mr. Watkins's wife for a period of time, and
22 other people, you know, Sheila Anthony was talking with us,

1 I spoke with her, Cheryl spoke with her, she was very
2 cordial. I remember asking her, did you see any of this
3 coming, and she stated no. Nobody would say anything about
4 depression or that they noticed some signs, they were
5 worried.

6 There was no information given out to us.

7 Q You never got to ask that question of Lisa
8 Foster?

9 A I did ask that right in the beginning when she
10 was still on the steps, but she was so hysterical, I think
11 the answer was "no, no," or this kind of thing. It wasn't
12 enough -- you need to sit down and let people calm down.

13 Q What kind of information, other kind of
14 information would you be looking to obtain in a
15 notification specifically?

16 A Specifically, in this case, like I said,
17 everything pointed to a suicide, but we wanted -- we
18 obviously wanted to know, was there any reason to believe
19 anyone would want to hurt him, was he having an affair, is
20 there some reason, you know, not to embarrass anybody, but
21 just to say, do you know about it, who is it, let's go talk
22 to that person and what their feelings are, whatever.

1 Anything that would be out of the ordinary way of life.
2 And was it -- was he taking medication or something, was he
3 seeing the doctor, had he noticed anything odd about it.
4 You know, both side of the spectrum.

5 Q But you didn't get to ask any of these questions
6 of her?

7 A No. The only real question I got to ask was
8 about the gun, did Vincent own a gun. She asked me what
9 does it look like, you know. To me, right away I am
10 thinking oh, he does, well, it's a black-colored
11 revolver, .38 revolver. She cut me off and --

12 Q "She" being Lisa Foster?

13 A Yes, being angry, emotional -- it's an emotional
14 time when somebody supposedly kills himself -- angry and
15 cut me off and threw up her hands and said, I don't know
16 what guns look like and walked into the kitchen away from
17 me.

18 Q Did you try to follow her into the kitchen?

19 A No.

20 Q Did Investigator Braun try to follow her into the
21 kitchen?

22 A No. I had better rapport with her. She wouldn't

1 talk to Cheryl Braun for some reason. I don't know why,
2 but she wouldn't talk to Cheryl.

3 Q Did you not follow her into the kitchen because
4 you thought she was overwrought or because someone was
5 preventing you?

6 A No. She was by herself. She went to get a
7 drink, but she was too overwrought for me to follow in
8 there and press her -- what do you mean, you are not
9 telling me this. It's not a regular interview where I
10 would push somebody.

11 Q Did you approach someone in the Foster residence
12 that evening and try to say, listen, I have to get alone
13 with Mrs. Foster?

14 A I talked to Mr. Watkins told him there were
15 certain things we had to get. He was very cordial and gave
16 me a business card, and, of course, I think we talked to
17 both sisters. Of course, nobody knew anything. Nobody
18 said he was depressed, nobody knew anything, but never at
19 any time -- you know, even though we were there an hour, I
20 guess we got there about 10:00 and left about 11:00, but
21 even though we were there an hour, this took a whole lot of
22 time between people talking, comforting, her going

1 upstairs, coming down and talking to Laura. By the time
2 things were starting to calm down where we might have been
3 able to talk to her, in walks President Clinton.

4 Q Do you remember what time that was?

5 A That had to be around 10:50, around there. We
6 left about 10 minutes after he was there, if even that
7 long.

8 Q How did you know he was entering the House?

9 A I was standing in the living room when the Secret
10 Service guy came in, sat on the steps and he walked in.

11 Q What did he do?

12 A He hugged Lisa Foster, they walked around, he
13 looked at us, didn't say anything to us, and walked and sat
14 on the sofa, and he was obviously a little bit
15 grief-stricken. Eyes were red and watery, it appeared. He
16 sat down with them, spoke with them softly and we tried to
17 talk to a couple of people then, but all attention was
18 towards him.

19 Q Were you in the same room the whole time he was
20 there?

21 A Yes, pretty much. The living room area, hall is
22 right there, so he was there. Cheryl and I were kind of

1 standing there with our thumbs in our pockets, and, okay,
2 you know, and Mr. Clinton gave us a look again, President
3 Clinton. We both kind of felt at that point that they
4 don't want us here.

5 Q Did anyone tell you at that point they didn't
6 want you there?

7 A No. But we were the police making notification,
8 trying to get information, and we were being ignored, so,
9 at that point, we kind of felt, well, we are not going to
10 push this situation.

11 Q Did you try to arrange to make contact or set up
12 a time the next day when you could talk to Lisa Foster?

13 A I got Watkins's business card, talked with
14 Mrs. Foster and said we will need to talk to you, we will
15 be in touch with you. I didn't say an exact time, I said
16 we will be in touch with you again. I didn't set up a time
17 because I knew from this point I was going to be working
18 all night long. I don't know who was going to go back or
19 whatever. I didn't set up an exact time. I said, we will
20 get in touch with you and we kind of left it at that
21 because we weren't really getting too far.

22 Q Did you ask to look around the house while you

1 were there? .

2 A No. It's a townhouse and it's not -- it's really
3 not that big, and I would have liked to look where he
4 worked or in his bedroom. He has two sons, a daughter and
5 his wife living there. I don't even know if he had a
6 separate room where he worked, because downstairs was the
7 hallway, back to the kitchen, living room area and dining
8 room.

9 Q You don't know if he had an office at home?

10 A I don't know if he did, but I wanted to check,
11 but I didn't because, you know, this could be me, but I
12 don't think so. The atmosphere was one of really not a lot
13 of cooperation.

14 Q Did you think there might be a suicide note
15 somewhere around the house?

16 A I thought that's possible, but I couldn't see her
17 letting me go upstairs to the bedroom or even going with us
18 while we looked through the drawers. A lot of times, with
19 suicides especially we will ask them, will you look around
20 and if you find something will you call us.

21 Q So you don't ordinarily look around yourself?

22 A Not unless it's really suspicious, and if it's

1 really suspicious, you get a search warrant, but for some,
2 we believe, and again, nobody was giving us information
3 either way, other than, you tell me he didn't put it in his
4 mouth, which struck me as odd, and the gun question.

5 But normally, on a suspected suicide, we would
6 ask people to go through their personal belongings,
7 because, you know, a person's bedroom is a pretty personal,
8 private area.

9 Q Did anyone at any time ask Lisa Foster to do
10 that?

11 A Yes. I asked her to look around, and if she
12 found anything --

13 Q On the night of the notification, you asked her
14 that?

15 A Yes. If she found anything that could help us,
16 because, you know, I didn't say "suicide note," I just said
17 anything that could help us, would she call us, and she
18 said, yes. She was nice for the situation she was in, I
19 guess. She was distraught, she was angry.

20 Q Was she crying?

21 A Off and on, she cried. At initial notification,
22 she was very hysterical and off and on she would cry.

1 Q How come you didn't include some of these things
2 in your report? Do you recall whether you included the
3 fact that the president of the United States was present in
4 your report?

5 A No, I didn't include that.

6 Q How come?

7 A I didn't think it was necessary, I mean --

8 Q You didn't think that was somewhat of a
9 significant event?

10 A As far as suicide, no. As far as a death
11 investigation. I mean, he was there, we witnessed it. We
12 talked about it, and I did not -- and the conclusion was we
13 didn't think we needed to put it down --

14 Q You talked about it with --

15 A Cheryl.

16 Q Cheryl.

17 Did you talk about it with anyone else?

18 A No. It was early morning hours. No one else was
19 there writing reports.

20 Q What about the comment that Lisa Foster made --

21 A As I said before, that is a mistake on my part.
22 We talked about that in the office.

1 Q Who was there when you talked about it?

2 A Me, Cheryl, Simonello was there, I think, before
3 he left. This was when we first got back.

4 MS. FALLON: Excuse me.

5 (Discussion off the record.)

6 BY MR. DARMER:

7 Q Back on.

8 Officer, could you tell me who -- you named a
9 number of people who were present at the notification. You
10 named Lisa Foster, Laura Foster, David and Mrs. Watkins,
11 Web Hubbell --

12 A There was another woman there, Vince Foster's
13 other sister, I believe. And then President Clinton
14 arrived. And we were there almost an hour.

15 Q Were there any other people who arrived later?

16 A No.

17 Q That was it?

18 A That was it.

19 Q I think you said there was one Secret Service
20 guard?

21 A One Secret Service guy came through the door,
22 looked around quick that I remember. I just remember one.

1 I thought it was odd and then President Clinton walked in.

2 Q You mentioned earlier that Laura Foster ran
3 upstairs at some point?

4 A Right, after we --

5 Q After you made the notification?

6 A After I think I said he shot himself, however I
7 put it. He shot himself or the question was asked, when it
8 came out that he shot himself, used the gun. At that
9 point, she kind of screamed and ran upstairs, at which
10 point me and -- myself and Investigator Braun looked at
11 each other and we talked about how we had the same kind of
12 feeling. It was like some kind of realization that he shot
13 himself and she seemed to be going upstairs to look for
14 something.

15 Q Did you try to go upstairs to talk to her?

16 A No, no, I would not -- like a say, that's a very
17 personal area, people's bedrooms, and in a situation like
18 that I would not bypass other family members just to go
19 upstairs. That would be very intrusive.

20 Q Did you see her again that night?

21 A Yes.

22 Q She came back down?

1 A In fact, Cheryl Braun talked to her most of that
2 night, got a rapport with her, spoke with her most of the
3 evening.

4 Q Do you know generally what they talked about?

5 A I think she tried to get some information from
6 her generally. I don't think she got much more information
7 from her.

8 Q Did you remember asking anyone whether Mr. Foster
9 maintained a desk or an office in the home?

10 A No. Again, I know it's hard to understand, an
11 hour seems like a long time, but all this activity, and
12 being a part -- the people I wanted to ask that would be --
13 the wife was really the only one who knew her husband
14 best. I would like to talk to her, and the opportunities
15 were few and far between.

16 The other people, even the sister -- I could just
17 imagine, does he have a desk here? Well, I don't know.

18 It just didn't seem proper to ask somebody else
19 and I wasn't given great access to Mrs. Foster. I
20 shouldn't say I wasn't given, I just didn't have great
21 access to her.

22 Q Did you see any official-looking papers around,

1 just within your visual range in the house?

2 A No, it's a very modest townhouse with modest,
3 makeshift furniture, is what I would call it, I guess, and
4 maybe that's in style, I don't know, but there was an old
5 unfinished-type hutch with a small, portable, color
6 television on it, and books and papers strewn all over it,
7 and it was not overly neat, clean or fancy or anything like
8 that. This little, I don't know, what do you call it,
9 maybe a 15-by-10 or 11-sized living room and then the
10 dining room, which is very bare, with old furniture, and
11 then a small kitchen there, and the hallway, I don't know
12 if there was a bathroom down there or not. Then a hallway
13 and a stair to go upstairs.

14 Q Did you or Investigator Braun ascertain what the
15 family's plans were in the days after? Did you ask them if
16 they were going to be around? Did you ask them if they
17 were going to be staying in town? Were they going to be
18 available if you wanted to do further follow-up interviews?

19 A No. Those are all questions that would have been
20 asked if the opportunity -- you have a basic set of
21 questions you would like to ask. As you get the basic ones
22 out, depending on the situation, other questions will

1 arise, and you will get your information. This was very
2 makeshift, hodgepodge and here and there where I could get
3 a question in. That was -- when we left, I did ask her if
4 she found anything that would be helpful to us and I said,
5 we will be in touch with you.

6 Q Who did you talk to about what went on at the
7 notification when you got back to the station?

8 A I think it was Cheryl, Simonello was still there,
9 I think, before he left, and whoever the midnight man was.

10 Q But you did talk to Captain Hume?

11 A No. I think at that point Cheryl notified Major
12 Hines, who is the press person, liaison, media liaison,
13 whatever you want to call him. She notified him of the
14 situation and she said I thought you should know being that
15 this obviously is a White House personnel of some
16 importance.

17 Q You stated in your report that no one was able to
18 provide insight into Foster's death at the notification.

19 A Right.

20 Q Did you talk to -- who did you talk to other than
21 your attempted conversation with Lisa Foster about that?

22 A Lisa. Cheryl talked to Laura. Sheila Anthony.

1 I think we talked to both sisters. David Watkins and
2 briefly Mrs. Watkins.

3 Q Did anybody try to talk to Webster Hubbell?

4 A I didn't. He was very aloof. He was on his
5 phone, this little flip-out phone he had. He stayed on
6 that most of the time, walking away. At one point when
7 Cheryl was interviewing the one woman, he ended up moving
8 her out of the way. Again, for an hour, it went very
9 quickly with everything that was going on.

10 Q But again, you didn't get to talk to everyone in
11 the house that night?

12 A No, we didn't. We didn't talk to Mr. Hubbell.

13 Q Did you follow up with everyone who was there
14 that night afterwards in the next few days?

15 A I was, again, told that Detective Markland would
16 be handling the investigation with Captain Hume, and I
17 personally didn't follow up with them, those people.

18 Q You said Investigator Braun contacted Major
19 Hines?

20 A Yes.

21 Q And gave a report of the notification?

22 A No. She just told them basically what we had.

1 Q Did you tell anyone or any superior officer that
2 you didn't get the information you would have expected at
3 the notification?

4 A Yes, I think -- you know, next time I was in, and
5 I spoke with Captain Hume, and I do believe we talked about
6 it, said there's other things we need to get, she needs to
7 be reinterviewed, and his sons weren't there, his sons were
8 there. See, that was another thing, they were worried
9 about the sons, they went off to Georgetown trying to
10 locate them. That was another thing going on in between
11 all this other stuff, and the sons needed to be
12 interviewed.

13 Q Did you specifically talk about what kind of
14 further follow up you needed to do with Captain Hume and
15 Detective Markland?

16 A I don't know if Detective Markland was there. I
17 know that I talked about it with Captain Hume when he told
18 me that Detective Markland was going to handle the case
19 because I was more of a new person in there. Because of
20 this situation, he was going to be involved himself because
21 of the nature of the situation. I said fine, whatever, and
22 I did tell him, you know, just what we had -- we went

1 through the reports, what we had so far, and we agreed she
2 needs to be interviewed more, other family members need to
3 be interviewed. There was still more investigation that
4 had to go on. Other interviews had to be done. It was not
5 a closed case other than more investigation had to be done.

6 Q Do you know if the Park Police ever interviewed
7 Mr. Foster's sons?

8 A I don't know.

9 Q Do you know if anyone ever talked to Laura Foster
10 again?

11 A I don't know. I don't know that we needed to
12 talk to her again. I mean, you can always interview
13 anybody. Cheryl talked to her at length that night. I am
14 not aware whether she was able to provide insight. That's
15 a question I don't know.

16 Q Do you know if anyone ever talked to Webster
17 Hubbell?

18 A I don't know that.

19 Q Did anything that occurred at the notification
20 cause you to question your preliminary conclusion that this
21 was a suicide case?

22 A No, no. The -- well, my opinion is it would be

1 impossible, impossible to set up a scene so perfectly. I
 2 don't care if you are CIA, you can't do that. That man was
 3 a huge man. You can't dig feet in dirt and leave no
 4 marks. You can't break foliage and have it replaced.
 5 There's never been any doubt in my mind that for whatever
 6 reason the poor man sat down and for whatever reason --
 7 because we are still not sure. There could have been
 8 various reasons, and in a homicide, obviously, a motive is
 9 a very important factor, and a suicide motive is still very
 10 important, but it's not as important as a homicide because
 11 there could be so many factors that makes a person
 12 depressed enough to go to those lengths to take their life.

13 Q Did anyone at the notification mention depression
 14 or antidepressant medication that Foster might have been
 15 taking?

16 A I mentioned depression, did you see this coming,
 17 were there any signs, has he been taking any medication?
 18 No. All negative answers.

19 Again, it was like, in my opinion, I just didn't
 20 believe we were getting honest answers, you know. Every
 21 question, every single person is just -- I felt like -- I
 22 hate to say it, I felt like because of who he is, he is

1 political, nobody is going to talk to us and give us
 2 anything, whether it's the truth or not the truth.

3 It's not a big deal, the man committed suicide,
 4 but no one is going to say that until they are sure that
 5 it's okay to say that.

6 Q Do you know if any calls were made from the house
 7 that evening while you were there?

8 A A lot of calls were made.

9 Q Do you know who the calls were made to?

10 A No idea.

11 Q Do you know if anyone called any physicians that
 12 night from the house?

13 A I don't know who was called. I know that the
 14 house phone was used, I think it rang a couple of times.
 15 Web Hubbell was constantly on his phone.

16 Q You don't recall any contacts with Dr. Watkins or
 17 any of Foster's other physicians on that evening?

18 A No.

19 Q Based upon what everyone at the notification was
 20 saying, that they hadn't seen any signs of depression, what
 21 was your thought, then, about the cause or the reason for
 22 the suicide?

1 A My thoughts were that we were not being
2 cooperated with. I didn't believe -- we were to that
3 point, it was so hodgepodge, we were not being cooperated
4 with. It didn't change my opinion one way or the other. I
5 mean, if there was something there, my mind was open to
6 being changed if there was some evidence, someone could
7 find something. Nothing was provided even though they
8 said, no, no depression, there was all kinds of rumors
9 beforehand and then the days after this, all kinds of
10 rumors started flying about him, Mrs. Clinton. This -- we
11 got a call from -- I think we got a call from a news
12 station in Arkansas stating that he had a homosexual affair
13 with a banker's son out there who provided support to
14 President Clinton, monetary support and the kid has AIDS.
15 Everything. We still get faxes from some clown in North
16 Carolina on the fax machine.

17 Q Can you be more specific about how you feel you
18 weren't getting cooperation from the people at the
19 notification?

20 A Well, like I said, I think people knew. And it's
21 obvious, now that it has come out, that they knew he was
22 depressed. Sheila Anthony said no, she didn't know

1 anything, but when we interviewed Beryl Anthony, her
2 husband, he tells me yes, they both knew. They recognized
3 the depression before his family moved down, that he seemed
4 to be going downhill and that she herself had been
5 depressed to the point of nervous breakdown. Another one
6 of their family members, daughters, son, someone else, had
7 depression.

8 Q Why do you think they would lie?

9 A I don't think they lied as a lie. I think they
10 held off. I think it's natural. I'm sorry, I don't want
11 to insult anybody, but it's politics. I think it's
12 politics, and in politics, they do damage control. Nobody
13 is going to tell you until they are sure, is it okay. It's
14 all damage control.

15 Q Did you ever talk in detail with Captain Hume
16 about what went on at the notification to tell him some of
17 these concerns that you had?

18 A Yes, we talked about them, that we were
19 stonewalled, we were stonewalled there, people basically --
20 we had a few questions here and there of certain people,
21 but we were stonewalled. People were not providing
22 insight, family members, you know, they know the man, but

1 all they hear is a no answer, and no big -- you know, no
2 big answers, no insight into what we were looking for.

3 Q Would you say this was unusual or different from
4 other notifications you had been involved with at a death
5 scene?

6 A Oh, definitely.

7 Q Have you ever had this lack of cooperation in a
8 notification before?

9 A No.

10 Q Maybe I asked this before, did anyone tell you
11 not to include certain things in your report of the
12 notification?

13 A No, no one told me what to write or not write as
14 far as not putting down that President Clinton arrived at
15 the notification. I mean, we could have made a
16 notification and been gone by the time they arrived, so
17 after we left I am sure other people arrived to grieve with
18 the family. I just didn't see it, as far as our
19 investigation at that point, as being a significant factor.

20 Q You didn't show anyone a draft of your report,
21 did you, before you filed it?

22 A My report was written and put in the case jacket.

1 Q All right.

2 A The other thing, what I didn't write in the
3 report about her saying did he put it in his mouth, that's
4 a simple human error on my part. We talked about it in the
5 office. I kicked myself because for the life of me I don't
6 know why I didn't write it in there.

7 Q Other than your accompanying Captain Hume to the
8 interview of Beryl Anthony and your visit to the family
9 lawyer to view the diary, what other involvement did you
10 have in the case after the notification?

11 A I looked through the paperwork that was in his
12 wallet, I photocopied it all, and I called the
13 psychiatrists and verified that they were psychiatrists
14 offices, and that they don't have receptionists normally.

15 Q In terms of the diary that you looked at in
16 Mr. Hamilton's office, had you seen examples of Foster's
17 handwriting before you went into the office to look at the
18 diary? In other words, would you recognize his
19 handwriting?

20 A No. Again, at that point, that was a couple of
21 days after his White House office had been searched. That
22 was boxed up, part of what was boxed up, in three boxes and

1 we were told we could look at it. But, again, it was first
 2 given to Mr. Hamilton and then a day or two days later we
 3 were allowed to go to his office and look at it.

4 Q You looked at it with him in the room?

5 A With him -- is it John Sloan?

6 MR. IVEY: Clifford Sloan.

7 THE WITNESS: Clifford Sloan, a friend from
 8 Arkansas, ah architect or something.

9 BY MR. DARMER:

10 Q Were there any other official government or White
 11 House personnel there?

12 A No.

13 Q Do you recall whether all the handwriting in the
 14 diary was the same?

15 A It appeared that way. It appeared to have the
 16 same slant. It didn't change.

17 Q Did it appear that all the pages were there, that
 18 no pages had been taken out?

19 A Yes. I said it was odd because the first several
 20 pages that appeared were blank, and I am not exactly sure,
 21 I think 10 to 15 pages with writing on it, because I read
 22 the whole thing. I am not a speed reader. I read the

1 whole thing and the rest of it was blank. It was probably
 2 a 100-page diary, again, hardbound 6-by-8, 6-by-9 type
 3 size.

4 Because of the way it was filled out, I bent back
 5 the bindings, I looked through all the pages, I examined it
 6 as closely as I could to see if any pages had been cut out,
 7 razor blade, torn out or anything. It appeared that all
 8 the pages were there.

9 Q Did the handwriting on the different pages look
 10 like it was the same?

11 A Yes, from my memory. I think I would have picked
 12 up if something was different, looking through it.

13 Q Do you know if the Park Police considered trying
 14 to have the diary looked at by an expert who would tell if
 15 the pages had been removed?

16 A No. I don't think we considered that -- again,
 17 you have to look at it from our perspective. At this time,
 18 White House is not in the news, and we are investigating,
 19 at this point, a death investigation that leans very
 20 strongly to suicide, and we are looking for some reason the
 21 man killed himself.

22 On close examination, there appeared to be

1 nothing missing, nothing wrong. Even though it's an odd
2 situation of such a high official of the government, you
3 know, it just didn't call for that kind of work to be done.

4 Q When you were interviewing Beryl Anthony with
5 Captain Hume, did the words "White House" or "Capitol" or
6 "McDougal" come up, anything like that?

7 A No, no. I don't know if there was any of that in
8 his personal documents or diary. There was nothing in the
9 diary. There may have been something from Madison Bank in
10 his documents, but I am not sure. I have heard it so many
11 times now, I don't know if I am thinking it in my mind or I
12 saw it, but whatever it was, the documents I looked through
13 were -- I looked through financial documents to see if
14 there was any major losses of money, withdrawals of money
15 or anything crazy, and there just didn't appear to be any
16 of that.

17 Q You are talking about Foster's documents?

18 A Yes, the ones that we were allowed to look at.

19 Q Did the Park Police consider the diary to be
20 evidence in the case?

21 A No, again, when we finally were told what we
22 could look at, then Hamilton didn't want us to look at the

1 diary, he says it's personal and there was a little bit of
2 a stink. He said we can't look at this, and we said, we
3 are going to look at it, all of it was possible evidence.
4 But once we reviewed it, there was no evidence or anything
5 of value.

6 Q Did anybody consider having it tested for
7 fingerprints of any sort?

8 A I don't know why. I mean, you have to be
9 reasonable -- you have to realize what comes after is not
10 what is there then. And what our job is -- and that would
11 be completely off the wall, if someone said to do that,
12 why, you know, it would be off the wall.

13 Q Were you involved in any of the -- any decisions
14 to release anything to the family, anything that had been
15 recovered at the scene or the car that has been
16 subsequently released to the family before the
17 investigation was concluded?

18 A Personal effects are commonly released. As far
19 as the wallet, everything was photocopied, credit cards,
20 driver's license, everything was photocopied that was in
21 there. So we had a copy of everything that was in there, a
22 watch, his rings. Secret Service already had the beeper.

1 All that was left was the watch and rings. The clothes
2 were not being released. The wallet, money, the items. I
3 was at home when they got a call, I think, that the White
4 House was sending somebody down, Clinton wanted to present
5 the artifacts to Mrs. Foster, you know, I had them locked
6 up in a locker, where is the key? I said it's locked in my
7 desk. So they had to get a spare key to get in my desk,
8 get the key to the locker and they released the wallet, the
9 rings and the watch.

10 Q When did that happen?

11 A Oh, God, I think that was -- that may have been
12 that night, Wednesday night, after the autopsy. Wednesday
13 morning was the autopsy, Wednesday night, I was to work
14 2:00 to 10:00. I think I may have taken leave. I got
15 called at home. They couldn't get in my desk.

16 Q Who called you?

17 A Lieutenant Kass.

18 Q Was he on duty that night?

19 A Yes, he was working.

20 Q Did you have to come down and open up your desk?

21 A No. I had a spare key locked up in a briefcase I
22 have. I just gave him the combination to the briefcase to

1 get the key.

2 Q Did you think that anything was unusual about the
3 request?

4 A No. Again, we are dealing with the White House.
5 The same people were moving up the autopsy. I didn't
6 figure out -- I was expecting anything unusual. Again,
7 these things are not evidence, there's no reason to keep a
8 watch or a guy's rings. I would release them to the family
9 anyway.

10 Q Okay. I understand on the watch and the rings.
11 I guess what I am talking about is the wallet now. Didn't
12 you say there were some papers in the wallet?

13 A Yes, but everything was photocopied.

14 Q Had you looked at the papers?

15 A Yes.

16 Q Did you find anything unusual about the papers
17 that you saw?

18 A There was one piece of paper that had some kind
19 of abbreviations on it and a list of abbreviations and
20 numbers. I don't know if it was years or what, I couldn't
21 decipher it. That's the only thing I saw that was unusual,
22 *except the fact that it's not regular handwriting, but*

1 people write things, notes to themselves, all the time.

2 But the one thing that was unusual, yes, that was
3 unusual.

4 Q Did you think that maybe that ought to be kept in
5 police possession until you thought about it or until the
6 investigation moved further along?

7 A No, a piece of paper is a piece of paper. We had
8 it photocopied and any information written on there was
9 preserved, and if there was -- it was looked at by us and
10 looked at by the FBI to try to figure out if it was
11 anything or if it could be anything, but the information is
12 preserved, and that was all we needed.

13 Q Is it SOP, then, to release any pieces of paper
14 that you might recover at a scene, as long as it's been
15 photocopied?

16 A Unless it's of evidentiary value.

17 Q What defines a piece of paper as having
18 evidentiary value?

19 A That depends on the case. This was odd, but as
20 far as anything concerning the death of Vincent Foster, a
21 lot of things are odd, but a piece of paper -- if you find
22 a suicide note, obviously you are not going to release

1 that. If you do a search warrant for drugs and you find
2 notations, names, numbers, amounts, tally sheets, you are
3 not releasing that.

4 Q You didn't know what the piece of paper meant,
5 did you?

6 A I don't know if anybody would know what it meant.

7 Q Isn't it possible it could have meant something,
8 it's just that you hadn't figured out what it was at the
9 time?

10 A Well, again, like I said, it was preserved, and
11 there have been other cases where items have been released,
12 but that the items have been preserved and photographed or
13 photocopied, and the information you want is still
14 preserved. I can testify that this is a photocopy of that
15 piece of paper.

16 Q Do you know whether anyone in the police, Park
17 Police analyzed that piece of paper further or did anything
18 to try to figure out what it might have meant or talk to
19 anyone about it?

20 A You will have to ask Captain Hume that one. I
21 think he might have, and I know the FBI looked at it. I
22 don't know if it was brought to Lisa Foster, and I showed

1 it to her. Again, even access after the death notification
2 was not easy, and we had to set it up through an attorney
3 to talk to her. I didn't understand that, either. That's
4 unusual.

5 Q You said you looked at some personal papers of
6 Foster's. Did all of that happen at Hamilton's office?

7 A Yes.

8 MR. DARMER: Go off the record a second.

9 (Discussion off the record.)

10 BY MR. DARMER:

11 Q Was the police access to those papers unusual, is
12 that unusual for you in a case?

13 A Everything was unusual. As I said, those papers
14 came from his office in the White House. That's a high
15 official of the federal government. To get those papers,
16 Park Police did not search that office, FBI did not search
17 that office, Secret Service did not search that office.
18 They were told to sit down while eight, nine attorneys
19 searched that office, White House personnel searched that
20 office and decided what would be okay to give to
21 Mr. Hamilton to look at before he would give it to us to
22 look at. That, under normal circumstances -- I think

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1 Detective Markland said it best: It is not a normal case,
2 in a normal case, that guy's files would have been in my
3 trunk and I would have taken them to my office to look at
4 them.

5 Q Did you ever look at any personal files that
6 might have come from the house, do you know?

7 A No. Again, access to Lisa Foster was not easy,
8 and it was with an attorney. I don't know why I need an
9 attorney to talk to a person about her husband's homicide,
10 but I guess this is D.C. and this is the way people do
11 things.

12 Q Officer, did you personally experience any
13 pressures in this case from anyone in your department or
14 any outside sources to hurry or do things differently than
15 you ordinarily would?

16 A No. I was basically removed. I was working on
17 it still, but I was basically removed, and there was a lot
18 of pressure, yes, about -- pending the outcome of the
19 autopsy, and what the case was going to be, a suicide or
20 what.

21 But I personally felt no pressure from anywhere.

22 Q When you say there was pressure pending the

1 outcome of the autopsy --

2 A There was a lot of media pressure and I think a
3 lot of it was just media hype and maybe officials in the
4 Park Police felt pressure. I felt no pressure.

5 Q Did you ever have conversations with Chief
6 Langston or anyone ever in the course of this investigation
7 or afterwards?

8 A No. Not with Chief Langston. On different
9 occasions, Major Hines had talked to him a couple of times
10 briefly, asked specific questions when reporters were
11 asking questions, specifically when they were calling up to
12 see if the gun had been test-fired and Major Hines looked
13 through the case jacket or a copy of the case jacket and
14 saw a Metropolitan Police certificate of registration and
15 he thought it was going to be certified by the D.C.
16 police. That was his error and -- simply that the gun was
17 not registered with D.C. and the gun had been sent to ATF
18 for testing, which was conducted, but that caused a big
19 stir, also.

20 Q What kind of a stir?

21 A Media stir, about the gun not being test-fired or
22 something like that.

1 Q Was there a lot of discussion within the
2 department about the case?

3 A Initially, no. Over the last year, between Rush
4 Limbaugh, Gordon Liddy and all those other people, and us
5 being slammed, yes. There was officers that made comments,
6 said this or that, which kind of drove me nuts now and
7 then. Articles in the paper would have caused some stress,
8 but there was no -- general talk, and I don't know what you
9 are looking for.

10 Q General talk within the CIB, for example. You
11 are a pretty small group.

12 A After three weeks, that case was closed. As far
13 as we were concerned, we knew what happened. We closed the
14 case, and if it was any other suicide that we handled where
15 nobody cares about who this man is, and the politics
16 weren't involved, and the discussions, the politics
17 involved in this case as to why this was going on, if the
18 man was killed somewhere else or murdered, because he
19 hasn't been, he wasn't, and we said it, FBI has
20 independently said it, and if some evidence would prove
21 otherwise, we would reopen the investigation, but there's
22 been no evidence.

1 Q Did three weeks seem like an unusual or usual
2 length of time for an investigation of this kind to you?

3 A Well, I have never investigated a White House
4 person committing suicide or anything of that nature.

5 Suicide, or homicide --

6 Q Or just say a violent death like that.

7 A A violent death, well, I have got a violent death
8 where a girl was strangled that I am working on. That's a
9 murder. That has taken a lot longer because I am trying to
10 find my suspect.

11 But this, there's no evidence -- three weeks is
12 plenty of time. With the pressure the White House put on,
13 the medical examiner's office, that autopsy report came
14 back pretty quick.

15 Q Is that unusual, in your experience?

16 A Yes, usually month and a half or two months
17 earlier I am getting an autopsy report, but, you know, they
18 are busy.

19 The determination was made, all the evidence and
20 everything, it was not unusual to make that determination.

21 Q Are there any other things that happened in this
22 case that you think were specific to the fact that the

1 White House was involved?

2 A I don't want to put a beef on the White House,
3 but other than being who he was and the notification, the
4 things that I was involved in, or that I have already
5 stated, I believe because of who he was and White House
6 personnel being involved, that at the notification we were
7 stonewalled and, as far as my involvement there -- I mean,
8 there's others that are involved, going to the White House
9 and dealing with that that you will talk to about that.
10 But I can't think of any other specifics, other than what I
11 am talking about, the autopsy moving up, the report coming
12 back much quicker.

13 Q Anything else?

14 A Normally I would be the one with the list of
15 property, be the one who released the property, but
16 President Clinton wanted to give it to her and they called
17 me at home for the chain of custody and I called it over.

18 Q When do you think you would have turned the
19 property over absent the call from the White House?

20 A I think turning over the property was our
21 opportunity to speak with Mrs. Foster again. Not to be
22 sly, but the property would have been held until we could

1 sit down, give her the property and talk to her properly
2 and that was taken from us.

3 Q Ordinarily notification is on the day of the
4 death?

5 A As soon as you identify a person.

6 Q You call. But the property is often not
7 identified or located until afterwards. You often return
8 it to the family in the context of having further
9 conversations or interviews with them?

10 A Also, just to be sure on the safe side, it's not
11 willy-nilly. In some respects, people make it out to be.

12 But the personal property, even though it's
13 personal property, and we held on to it a little bit, you
14 know, still personal property, just in case something comes
15 up and that is our opportunity to talk with the person.

16 Q So, is it fair to say that you would have held on
17 to that property longer for a possible investigation absent
18 the call?

19 A As I said, we already photocopied everything,
20 everything was photocopied, front and back, that had a
21 front and back in that wallet, watch and a rings. I would
22 have held on to that property until myself or another

1 detective could have personally returned it and sat down
2 and interviewed Mrs. Foster properly, at least Mrs. Foster,
3 if not some other family member.

4 Q Do you know if Captain Hume signed off on the
5 early return of that property to the family?

6 A I know Lieutenant Kass called me at home,
7 frantic, because they were coming down, Secret Service
8 personnel were coming down. They wanted to give it to
9 President Clinton or something.

10 Q Did you ever find out who was coming down to pick
11 it up?

12 A I don't remember who came down to pick it up.
13 They called me at home, my desk was locked. They wanted to
14 break my desk open. I said, jeez, wait a minute, you have
15 got a spare key there. I don't know who came to pick it
16 up. They had a time limit. They called me that evening,
17 whichever evening it was, I think it was the 21st, because
18 I think she was going out of town, she was taking a plane
19 right out of town or something.

20 Q "She"?

21 A Mrs. Foster. She was or the Clintons were, one
22 of them was leaving. They had a time limit, they had to

1 get that property out of there quickly, everybody was
2 frantic, had to release it. But no, I would not have
3 released it until I could have talked to her.

4 Q Do you know if the Park Police had trouble
5 scheduling interviews with other family members or friends
6 during the course of the investigation?

7 A You will have to ask Captain Hume or Detective
8 Markland on that.

9 Q Were you involved in scheduling any of the
10 follow-up interviews with the family, friends or some
11 business associates?

12 A No, no, I don't think so, other than going to
13 speak with Beryl Anthony in Hamilton's office, no. I
14 didn't schedule anything.

15 Q But you didn't schedule that particular
16 interview, did you?

17 A No.

18 Q Are you aware of any lengthy police report on
19 this matter that was created, other than the reports of
20 Markland and the other officers? In other words, a final
21 report of any kind that might have been released to the
22 public.

1 A Now, see, unlike the FBI, we don't put together a
2 whole big book like that. An investigation is -- the
3 reports stand for themselves. If there's a mistake, a
4 report will be put in that there was a mistake. If it's a
5 case you are going to prosecute in the District Attorney's
6 office, they might ask you for a case synopsis, in which
7 case you might do a one- or two-page case synopsis on it.
8 Basically, the reports stand for themselves.

9 Q You don't synthesize things out of it and put it
10 together in a separate report?

11 A No.

12 Q It's all of the combined reports that everyone
13 has filed?

14 A It's a whole case jacket. That's our standard
15 procedure. I have never seen anybody do that.

16 Q You don't know if anything was done in this
17 case -- if anything different was done in this case?

18 A I'm not aware of that.

19 Q You have not seen a different kind of report?

20 A No.

21 Q Other than reports that were filed with the case
22 report, was there any other kind of *interim communication*,

1 either within CIB or within the larger department about the
2 case, electronic mail, memoranda, anything of that sort?

3 A Electronic mail? You'd have to increase our
4 budget for that one.

5 Q Phone.

6 A Phone. I am sure the captain talked to the
7 chief, briefed the chief and the other chiefs and all the
8 chiefs had to be briefed, I guess. I don't know. Was --
9 did anybody talk to anybody else? Yes, I am sure they did.

10 Q But I mean in terms of anything being written
11 down. Did anybody say, okay, you need to write down some
12 talking points for the chief, you need to write down the
13 status of the investigation for the chief, or for whoever,
14 Major Hines?

15 A I am sure that somebody had -- maybe somebody did
16 put a synopsis together, a one- or two-page thing for the
17 chief. He did a press conference and, God knows, it's not
18 from his personal knowledge. I mean, that would be
19 standard procedure to have some information in front of
20 you. The chief is making the press conferences probably
21 not going to go through every case and case jacket. Even
22 if it's not something a chief would typically do. Even if

1 you are an official -- you don't have business -- an
2 investigation is kind of a sacred thing. You can ask
3 another official and he will give you some information, but
4 an open investigation is not something we just throw
5 around.

6 Q But do you know of any specific meetings of any
7 Park Police personnel just to discuss the case, specific
8 meetings?

9 A No.

10 Q Do you recall any contacts or do you know of any
11 contacts by anyone from the FBI in the course of the
12 evenings of anyone in the Park Police?

13 A I'm sorry, I have a headache. Repeat that again,
14 please.

15 Q Yes. Let me rephrase it. Are you aware of any
16 contacts that the FBI might have had with anyone at the
17 Park Police who was involved in this investigation?

18 A Sure. Everyone that was involved in the
19 investigation had contact with the FBI at one point or
20 another.

21 Q You mean -- can you be more specific?

22 A Myself, Simonello, Captain Hume, Cheryl Braun,

1 Pete Markland, probably Lieutenant Kass, Kevin Fornshil,
2 Ferstle.

3 MR. IVEY: Maybe you need to narrow down what you
4 are talking about.

5 BY MR. DARMER:

6 Q Yes. Maybe you can tell me what those contacts
7 were. Maybe you can describe what were your contacts with
8 anyone from the FBI.

9 A Those contacts were in reference to the Fiske
10 investigation.

11 Q No, I'm sorry. Any contacts with the FBI in the
12 course of the Park Police investigation, so up to the time
13 your investigation closed, what was it, August 5 of '93?

14 A Right.

15 Q I am not talking about anything that happened
16 afterwards or the Fiske report, rather while your
17 investigation was pending.

18 A I have no firsthand knowledge. I was told FBI
19 was contacted, they made a copy of our reports. They
20 basically stated it was a straight suicide and they weren't
21 going to get involved.

22 Q What reports would they have been provided copies

1 of?

2 A The initial reports, the scene reports.

3 Q Who would have sent it to him?

4 A I don't know. I don't know who sent it to him.
5 I don't even know who told me this, but I am fairly sure
6 they were made aware. Again, at this point, Captain Hume
7 had taken over the investigation and --

8 Q You didn't have --

9 A I wasn't privy to all of this, wasn't aware and a
10 lot of it was piecemeal that I -- you know --

11 Q You just heard --

12 A Right.

13 Q Picked up snippets here and there?

14 A Right. We talked about the case, but as far
15 as -- I don't remember who contacted the FBI or faxed us
16 copies of reports or anything.

17 Q You don't remember any names?

18 A No.

19 Q What about any contacts during that same period
20 with anyone from the Department of Justice? Do you recall
21 whether they were getting faxed copies of the reports?

22 MR. IVEY: I think that goes to -- that's going

1 to -- that would definitely take you to the White House
2 office.

3 BY MR. DARMER:

4 Q Let me narrow it, then. Do you know if there
5 were any contacts with the Department of Justice in
6 connection with the death investigation?

7 A I seem to remember being -- some guy, I cannot
8 remember his name, that faxed stuff, and stuff was faxed to
9 it, but I don't remember his name.

10 Q But you didn't have any contact?

11 A At that point, no. Captain Hume was involved in
12 this stuff. I can see his name on a piece of paper, but I
13 cannot remember. Seems like a familiar name.

14 Q Have you ever heard of David Margolis?

15 A Oh, yes.

16 Q Is that the person you are talking about?

17 A Yes, I believe it was David Margolis.

18 Q Do you know where you know the name from or the
19 person?

20 A I think I heard it in the news, Margolis.

21 Anyway, sounds familiar, it sounds familiar to me. I

22 believe he was the one faxing stuff and was receiving faxes

1 and Captain Hume spoke with him on the phone.

2 Q Do you remember if the case --

3 A And, of course, there was contacts with the
4 Department of Justice with the death investigation because
5 they had to go through the Department of Justice to get to
6 the darn office.

7 So, it was a big to-do.

8 Q And other than with respect to the office search,
9 are you aware specific contacts?

10 A No, I am not aware of --

11 Q Specific contacts with the Department of Justice?

12 A With anyone other than Margolis, and why, I don't
13 know.

14 Q Do you recall seeing any documents with
15 Department of Justice letterhead or indications in the case
16 file or floating across your desk or anything like that?

17 A No. I didn't even have the case file or see the
18 case file. Captain Hume had the case file at that point,
19 or it was -- he either had it or it was put up in a file
20 cabinet, but, again, I remember Dan Margolis's name. It
21 was a letterhead, it was a fax, Department of Justice
22 letterhead. Again, I didn't read it and I don't know what

1 it was saying.

2 Q The same question with respect to the Secret
3 Service: Were you aware of any contacts or communications
4 with the Secret Service and the Park Police in connection
5 with your investigation of the death?

6 A Only that I know that the Secret Service was
7 contacted that night and that they came down and took the
8 pager.

9 Q Where is the case file usually maintained? You
10 said it was maintained by Captain Hume in this case.

11 A A normal case file assigned to a detective, he
12 would keep it at his desk or east-west central district,
13 file cabinets for open cases, you might keep it in there
14 for access to everybody, right on his desk or near his
15 desk, whatever, to work on.

16 This, again, obviously, was not a normal case. I
17 think Captain Hume wanted to prevent leakage of material
18 and wanted to have strict accountant -- wanted to have
19 strict accountability for the case jacket, its contents and
20 where things went to.

21 That's why he kept the case jacket, mostly locked
22 up in his office for large part. But officers write

1 reports, now everything is on computer so people have
2 copies of all the reports.

3 Q Have you ever been involved in a case before
4 where a case file was locked up in a senior officer's
5 office?

6 A No. Again, this nature of this investigation is
7 such that I think there was a legitimate concern about
8 leaks and not wanting it to be general talk in CIB and
9 people just talking to their girlfriends and wives on the
10 phone and not wanting things to get out. And that attitude
11 was maintained by Captain Hume by keeping a jacket and, I
12 think overall it was maintained pretty well.

13 Q Were you ever instructed not to talk to the press
14 in this case?

15 A Generally not any case, media relations, even if
16 it's on the scene. If there is a field commander on the
17 scene, he is the press release person unless they tell you,
18 okay, go ahead and talk to them.

19 Q Were the Park Police solely responsible for the
20 investigation of the death of Vincent Foster?

21 A Yes.

22 Q Are you satisfied with the investigation of the

1 Park Police into the death of Vincent Foster?

2 A Yes.

3 MR. DARMER: I have no further questions.

4 EXAMINATION

5 BY MR. IVEY:

6 Q Let me just ask a few, I promise I will be
7 short.

8 You mentioned something a while back about
9 hearing someone call and saying something about Foster
10 having an affair with some kid that had AIDS or something
11 like that?

12 A Right.

13 Q I just want to be clear, in case this report ever
14 becomes public or this deposition ever becomes public, to
15 the best of your knowledge, is there any truth in that
16 rumor at all? Was there any evidence to substantiate
17 anything like that?

18 A Not that we could find out, and I believe it was
19 a news station in Arkansas that said they were a sister
20 station to news channel 4 out here, and I believe they gave
21 the name of the banker and his son. There was nothing that
22 we could corroborate about that rumor, you know. That

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1 being true, AIDS is, I think, the last protected disease.
2 When you die, you are dead, you have no right to privacy,
3 but your family does. They still protect AIDS. You have
4 to get permission from the family -- you can have an AIDS
5 test done, but you have to have permission to get the
6 results.

7 I don't know if we received permission, but I
8 believe we are aware that he did not have AIDS. That's as
9 far as we looked at that and I believe that information was
10 even given to the FBI.

11 Again, that was a phone call, uncorroborated
12 phone call, unconfirmed that it was a real person, and we
13 received faxes from people saying that Task Force 151,
14 Black Federals assassinated him in the parking lot, put two
15 bullets in his head, dragged him over a picnic table and
16 all this other stuff, and --

17 Q But are any of these rumors true --

18 A No.

19 Q -- before you spell out more?

20 A No.

21 Q All right.

22 A This came out of the woodwork. We have everybody

1 coming out of the woodwork. We still get faxes from this
2 guy in North Carolina who is just, from what we have pretty
3 much confirmed, a nut.

4 Q We have talked about SOPs all day. I want to
5 just understand, when you say "SOP," what are you referring
6 to?

7 A Standard operating procedure.

8 Q Are they written out, or do you mean the way that
9 you guys typically conduct investigations or whatever it is
10 the question referred to?

11 A No. There's no written guideline manual for CIB
12 or criminal investigations. There's certain things that
13 refer back to our general orders, such as press releases
14 and that kind of thing, but as far as a written guideline
15 to do this, don't do that, coming out with guidelines in
16 different cases, basic guidelines, which is really basic
17 for new investigators that come in, having never worked an
18 investigation, and what they do on the scene. But as far
19 as the investigation goes, you have to kind of go with the
20 flow and there are certain things that are standard that
21 are office policy, but we don't have a written policy on a
22 lot of office policies.

1 Q The general orders you referred to, how detailed
2 do they get with respect to conducting investigations?

3 A They don't get detailed. The general order
4 investigations lists the type of crimes, when to call CIB
5 and that the CIB detective investigator on the scene is in
6 charge of the crime scene. That's as detailed as it gets.

7 Q Have you said anything or done anything or not
8 said or done anything in an effort to protect the White
9 House or Bill Clinton or anything like that?

10 A No, no.

11 MR. IVEY: Okay. That's it for me.

12 MR. DARMER: I just have one or question, two
13 more questions.

14 (Rolla Exhibit 3 identified.)

15 EXAMINATION

16 BY MR. DARMER:

17 Q Officer, this is a copy of some of your notes
18 that we were provided. Could you just take a look at one
19 of the phone numbers in the middle of the page, I think
20 it's just a seven-digit number.

21 A Yes. Lieutenant Walter?

22 Q That one, yes. Who is that?

1 A It could be Lieutenant Danny Walters.

2 Q Who is that person?

3 A He is a lieutenant on the Park Police. I don't
4 know, call this number and find out.

5 Q You don't recall who it is?

6 A I don't know, maybe this is a Secret Service
7 guy. Maybe I called him. I don't remember, but I don't
8 remember. I don't remember. I say, let's call the number
9 and find out now, then we will know. 395-4366, I don't
10 know if that's a car phone or what that is.

11 Q That person is going to be happy.

12 MR. IVEY: Yes, really.

13 THE WITNESS: It ain't a personal number anyway.

14 BY MR. DARMER:

15 Q Do you recognize the exchange?

16 A No, but I know there would be no personal numbers
17 with "lieutenant" in my notes.

18 Q Finally, do you recall or do you know what the
19 Park Police did to investigate the unidentified individual
20 that supposedly saw the body and notified, started the
21 sequence of calls that got the Park Police there?

22 A What we did was this: We have a white van, no

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1 tag number or state, I think it was a white van -- and the
2 Park Service maintenance man took this description -- and
3 we have got a white male, white van, possibly something on
4 the side. I believe it was a white van.

5 Around evening time after work, he goes to that
6 park. It's July, 90-some-degree day, he walks 2/10 to 3/4
7 of a mile to take a leak in the thick foliage. But with no
8 one around, my guess is the man is out there, a homosexual,
9 he is trolling, and he was going to pick somebody up. He
10 thought he was lucky for a second, he saw a guy laying on
11 the ground, but, unfortunately for him, Mr. Foster was
12 already dead. This guy then observes what he observes,
13 probably what he said he observed, he is married -- I would
14 say he is probably married, maybe some type of construction
15 guy in his 50s.

16 We went up in the park for a week or more every
17 day during that time frame to try to see, and Turkey Run,
18 other parks in the area that are known homosexual hangouts
19 and tried to locate any kind of a van or vehicle that would
20 fit that kind of a description and interview somebody.
21 Again, we have no tag, nothing specific but a white-colored
22 van, white man in his 50s. There's nothing else to go on

1 other than that.

2 MR. DARMER: Okay. That's it for me. Thank
3 you.

4 (Whereupon, at 4:07 p.m., the deposition was
5 concluded.)

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JOHN C. ROLLA

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CERTIFICATE OF NOTARY PUBLIC & REPORTER

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I, WENDY S. CASWELL, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn; that the testimony of said witness was taken in shorthand and thereafter reduced to typewriting by me or under my direction; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and, further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.


Notary Public in and for the
District of Columbia

My Commission Expires OCTOBER 31, 1997

EXHIBITS

Exhibit 1

CONFIDENTIAL

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 5/6/94

John C. Rolla, Investigator, Criminal Investigative Branch United States Park Police (USPP), telephone number 690-5050 was interviewed at the Office of the Independent Counsel, 1001 Pennsylvania Avenue, Washington, D.C. Investigator Rolla was advised as to the identity of the interviewing agent and informed of the nature of the inquiry. He then provided the following information.

In response to a USPP radio communication that a dead body had been discovered at Fort Marcy Park, Investigator Rolla, in the company of USPP investigators, Braun and Apt arrived at Fort Marcy parking lot at approximately 6:35 pm on July 20, 1993. With the concurrence of Investigator Braun, Investigator Rolla was designated as the primary investigator for this matter, with Investigator Braun primarily handling the investigation in the parking lot at Fort Marcy. Investigator Rolla advised that upon arrival at the Fort Marcy Park the above officers were briefed by USPP Officer Ferstl and informed that the decedent had apparently died of a self inflicted gunshot wound to the head and was tentatively identified as Vincent Foster, Little Rock, Arkansas. Rolla also advised that a 1989 Honda Accord with Arkansas license plate discovered in the Fort Marcy parking lot was thought to belong to the decedent.

Rolla advised that after this orientation and in the company of officers Apt and Ferstl and possibly Officer Hodakievic proceeded to the death scene where they joined up with Sergeant Edwards (USPP) and possibly Officer Julie Spatz (USPP). After a briefing by Sergeant Edwards, which included Edwards exhibiting to Rolla a number (exact number unknown) of polaroid photographs of the dead body, he was informed that the body had not been touched and personally observed that the area around the death scene had been taped off.

According to Rolla, he observed the decedent from a series of vantage points, stating that the decedent's head was straight up, resting just below the crest of a berm, eyes slightly open and that facial blood consisted of blood leading

Investigation on 4/27/94 at Washington, D.C. File # 29D-IR-35063

by _____

Date dictated 5/3/94

OIC 000222

29D-LR-35063

Continuation of FD-302 of John C. Rolla, On 4/27/94, Page 2

from the right nostril to the side of his right face and blood emanating from the right side of the decedent's mouth. He further advised that the facial blood was still wet but starting to dry. He also observed a pool of blood under the decedent's head which appeared wet, but was also in the process of drying. Rolla also observed a deposit of blood on the decedent's shirt in the area of the right upper shoulder which also appeared to be wet but drying.

Rolla further related that the decedent's arms were straight along the side of his body, with his legs straight. With the exception of the blood previously noted on the right shoulder area of the decedent's shirt, Investigator Rolla observed that the decedent's shirt appeared relatively neat and unruffled with no observable signs of soil, dirt or debris. The trousers, according to Rolla, were relatively neat, void of any signs of blood or other extraneous matter. He advised that from his observations of the body, there were no signs of struggle or any evidence to suggest that the body was physically placed at the crime scene or tampered with in any form or fashion.

After the above observations were noted, Investigator Rolla positioned himself to the body's left side and leaned across the body and physically observed a revolver in the decedent's right hand with the right thumb lodged between the trigger and the trigger guard. Rolla indicated that to the best of his recollection, approximately 15 minutes after arriving at the death scene, he took a series of polaroid photographs of the decedent's body and the immediate death scene area to include photographing a pair of dark rimmed eyeglasses which were partially covered by foliage and which were located at the bottom of a slope at a distance of approximately 15 feet from the decedent's feet.

Subsequent to taking the above described photographs, Investigator Rolla does recall lifting the decedent's left hand to check for lividity and advised that the body in his opinion was still relatively warm with no observable signs or indications of rigamortous. Investigator Rolla qualified his statement, however, by noting the extreme heat that day but still opined that he thought the body was dead for two to three hours. Additionally, Investigator Rolla advised that he specifically recalled searching the decedent's front pockets in an attempt to locate the keys to the decedent's 1989 Honda, advising that he was unsuccessful in locating the car keys. Investigator Rolla

OIC 000223

FBI LABORATORY

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Continuation of FD-302 of John C. Rolla, On 4/27/94, Page 3

maintained that this search of the decedent's pockets took place after both he and Identification Technician Peter Simonello (USPP) took photographs of the decedent's body and the death scene area. In this regard, Investigator Rolla reviewed a series of polaroid photographs supplied by the USPP and advised that these polaroid photographs were a true and accurate representation of his observations of the decedent's body and the death scene at Fort Marcy Park on July 20, 1993.

In regards to the above noted polaroid photographs, which Rolla stated were a combination of the photographs he and Sergeant Edwards took at the scene, his attention was drawn to a transfer-like pattern of blood forming a straight lower margin at the right side of the decedent's neck and chin. Investigator Rolla advised that this blood pattern did give him some concern but believed that this blood pattern could possibly have occurred as a result of the decedent's head twisting or jerking at the time of death or for that matter could have resulted from activities performed by EMT personnel when they were checking for vital signs. Investigator Rolla reiterated that during the period he was at the death scene, he did not touch the body or observe anybody else touch the body prior to the completion of all death scene photography.

In addition to the above functions performed by Investigator Rolla, he advised that he physically checked the surrounding area of the death scene, which failed to reflect any footprints, tire tracks, or any trampled vegetation. He did advise however, that approximately 15 feet to the right of the 2nd cannon in an open area, he did observe an empty bottle of what he thought was wine cooler, with the bottle shaped similar to a Mystic shaped soft drink. To the best of his recollection, the label on the bottle was faded, was empty of any contents and appeared to have been at the location for a extensive period of time.

According to Investigator Rolla, at approximately 7:45 pm, Fairfax County Coroner, Dr. Donald Haut, arrived at the death scene and examined the decedent. Rolla recalls rolling the decedent's body over at which time he observed an extensive amount of blood on the back of the decedent's shirt and on the back side of his head.

OIC 000224

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CONFIDENTIALContinuation of FD-302 of John C. Rolla, On 4/27/94, Page 4

Immediately after Dr. Haut's examination, Rolla specifically remembers removing from the decedent a Seiko wristwatch, a wedding ring and a Motorola pager which was in the off position. Under the supervision of Dr. Haut, the decedent was placed in a body bag, and with the assistance of two ambulance drivers, was moved from the death scene to an ambulance at Fort Marcy parking lot and eventually transported to Fairfax Hospital. According to Investigator Rolla, no official time of death was noted by Dr. Haut.

Rolla continued by stating that after departing the death scene he returned to the Fort Marcy parking lot where the search of the 1989 Honda was being coordinated by Investigator Braun and photographs of the Honda were being taken by Officer Simonello. Rolla, however, did physically observe the Honda and its contents stating that he noted a man's jacket, similar to the decedent's trousers, was neatly folded over the back of the front passenger seat and that further examination of the jacket noted a wallet inside the left pocket which contained, to the best of his recollection, approximately \$300 in cash. While he did not take control of the material in the 1989 Honda, he does remember observing a White House identification badge with a photo of Vincent Foster located on the front passenger seat under the suit jacket. Additionally he recalls a piece of paper in the vehicle with the names of what apparently were three Washington, D.C. physicians. Investigator Rolla could furnish no information relative to the time the 1989 Honda arrived at Fort Marcy Park or any vehicle information which might assist in determining time of arrival at Fort Marcy Park.

Investigator Rolla departed the Fort Marcy Park at approximately 8:45 pm and in the company of Investigator Braun travelled to Fairfax County Hospital where they located in the right front trouser pocket of the decedent the keys for the 1989 Honda. Subsequent to the discovery of these keys, Investigator Rolla advised that he was telephonically contacted by Lieutenant P. Gavin, USPP, with the instructions to telephonically contact Mr. David Watkins, a personal friend of the Foster family who had requested permission to join Investigator Rolla in the death notification to Mrs. Lisa Foster. Immediately after receiving these instructions, Lieutenant Gavin recontacted Investigator Rolla with the instructions to call Mr. Bill Kennedy at The White House who was seeking permission from the USPP to physically identify Mr. Foster's body at Fairfax hospital. Rolla advised that in addition to contacting Mr. Watkins to verify that Mr.

OIC 000225

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Continuation of FD-302 of John C. Rolla, On 4/27/94, Page 5

Watkins would join him in the death notification, Investigator Rolla advised security officials at Fairfax Hospital of USPP approval for Mr. Kennedy and, he believes, a Mr. Craig Livingston to identify the decedent's body at Fairfax Hospital.

Investigator Rolla advised that after the above noted notifications were made, both he and Investigator Braun picked up Mr. David Watkins at his residence in the Georgetown section of Washington, D.C. and with Mrs. Watkins following them in her personal vehicle, proceeded to the Foster residence at

Due to the number of people in the Foster residence at this time, Rolla advised that it was extremely difficult to pose any questions relative to Mr. Foster's death. However, he does recall eventually conversing with Mrs. Foster specifically asking her if she had any indication that anything was wrong with her

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CONFIDENTIALContinuation of FD-302 of John C. Rolla, On 4/27/94, Page 6

husband, with Mrs. Foster responding in the negative.

Rolla advised that he did not have any further discussion with Mrs. Foster or for that matter any other family/business associates and estimates that after he and Braun were at the residence for approximately 45 minutes, President Bill Clinton in the company of a Secret Service agent, arrived at the Foster residence. President Clinton to the best of Rolla's memory hugged Mrs. Foster and expressed his sorrow over the death of her husband. Shortly after the arrival of President Clinton, both he and Braun departed the residence.

Rolla further advised that as a follow-up to this investigation he and Investigator Apt on July 22, 1993, telephonically contacted the three medical doctors whose names were listed on a piece of paper found in Mr. Foster's vehicle on July 20. According to Rolla, all three physicians were psychiatrists and all three denied having any prior contact with Vincent Foster.

In a further effort to determine the cause and the factors surrounding Mr. Foster's death, Investigator Rolla advised that on July 27, 1993, he and Captain Charles Hume, USPP, interviewed Mr. Foster's brother-in-law, Mr. Beryl Anthony. According to Rolla, Mr. Anthony advised that it was his opinion that Mr. Foster was extremely depressed and believed that his wife, Sheila Anthony had furnished to Vincent Foster a list of three counselors/psychiatrists or other doctors who practice psychological counseling.

in conversation with Detective Markland, USPP, that Markland apparently had been advised by an unknown White House secretary that Mrs. Foster and one of Vincent Foster's sons had been

OIC 000227

29D-LR-35063

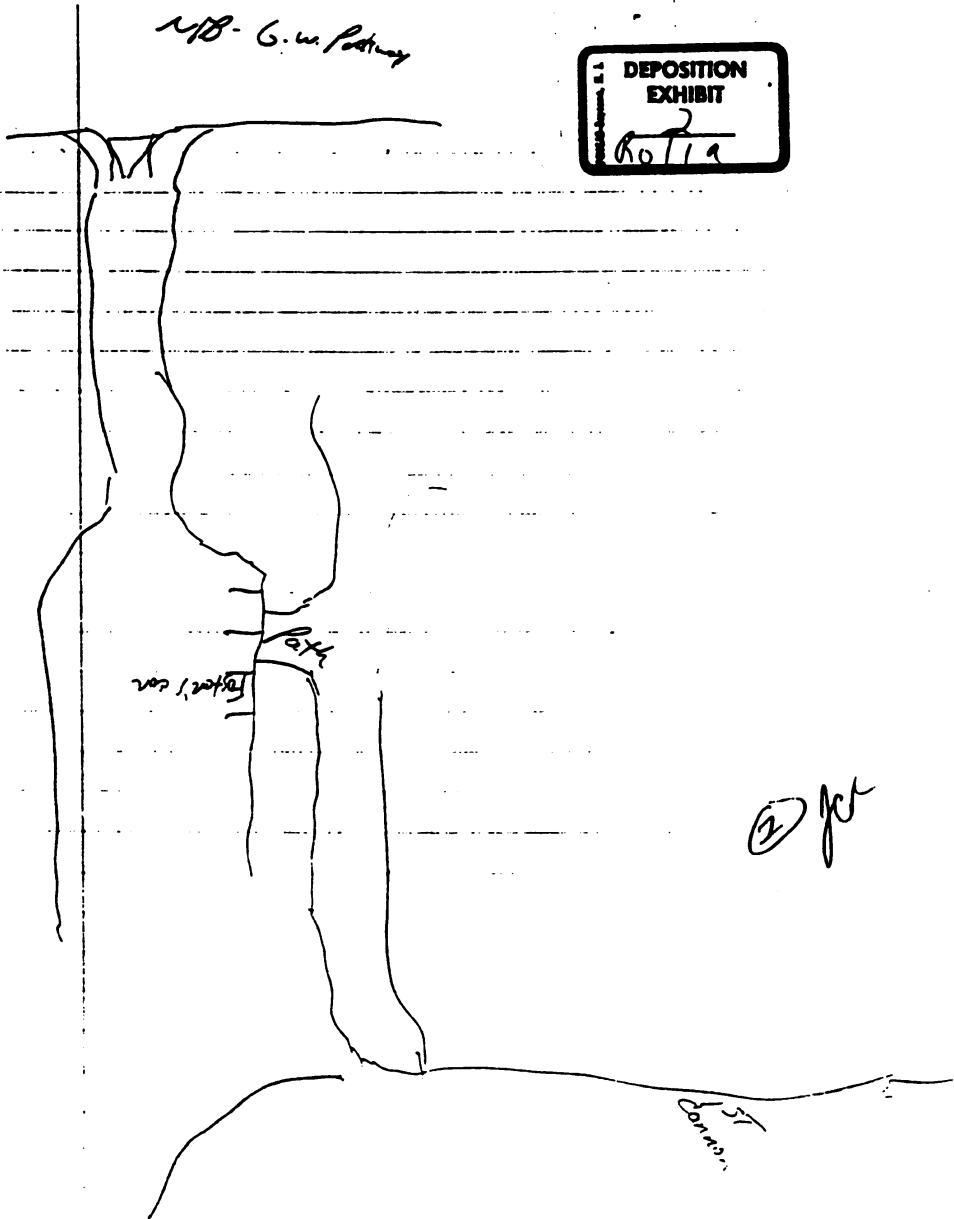
CONFIDENTIALContinuation of FD-302 of John C. Rolla, On 4/27/94, Page 7

calling the secretary almost on a daily basis for approximately 2-3 weeks prior to his death, specifically to determine Vincent Foster's mood or disposition at work.

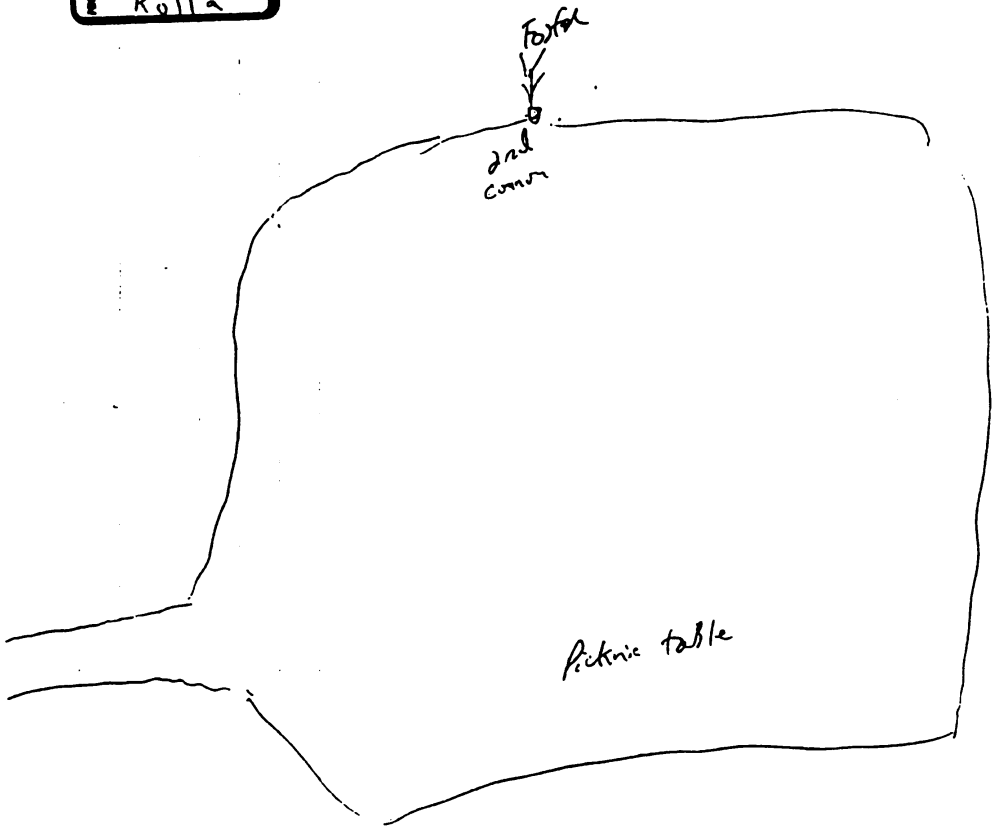
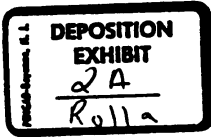
In addition to the above cited follow-up death investigation, Investigator Rolla advised that on July 28, 1993, he and Lieutenant Robert Kass, USPP met with Mr. James Hamilton, the Foster family attorney at Mr. Hamilton's law office in Washington, D.C. for the purpose of viewing personal documentation from Mr. Vincent Foster's office at The White House. In the presence of Mr. Hamilton and 2 or 3 additional attorneys, they reviewed these documents to include what was generally described as Vincent Foster's personal diary. Rolla remembers that Mr. Hamilton was extremely reluctant for USPP officers to review this diary but eventually conceded to their review. According to Rolla the alleged Vince Foster diary was basically an 8 inch by 5 inch hardcover notebook of approximately 100 lined pages, with the first several pages blank. To the best of his recollection, this notebook contained 10 or 15 handwritten pages with undated notations. He specifically remembers however, that the time frame for the notations on these pages was confined to a period encompassing Mr. Clinton's election to the pre-inauguration activities. Although he could not recall specifics of the notations, he does recall that there was nothing of a personal nature and cited such examples as his anticipation of going to Washington, D.C.; notation relative to his daughter going to a party and some notation regarding Mrs. Clinton and health care. Rolla advised that after the review, all materials remained in the possession of Mr. Hamilton. Rolla does recall, however, obtaining from Mr. Hamilton, for the purpose of known handwriting samples of Mr. Foster an empty envelope with Mr. Foster's writing and a letter from Vincent Foster to a bank.

OIC 000228

Exhibits 2 and 2-A



JL (F)



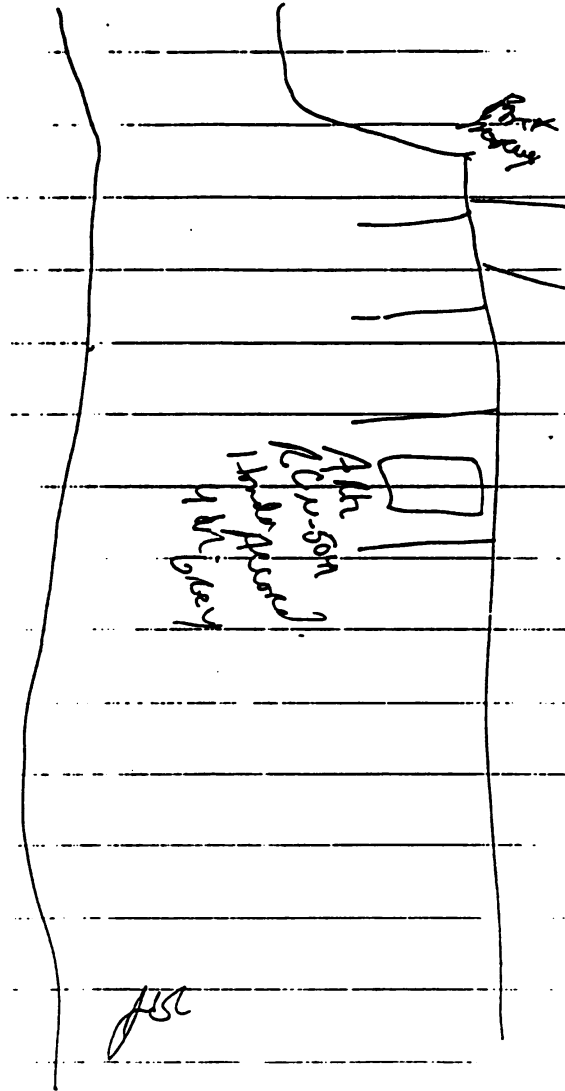


Exhibit 3



~~~~~

Vincent Foster, Jr.

5414 Stonewall Rd.

Little Rock, Ark

72202

89 Honda. Yda

Grey

Lit. carrier

375-4366

202-337-8103

3027 Cambridge Rd.

MA.

per

07/20/93 <sup>Cur. Fin. station</sup> 1815/125

Had Body 9330502  
Ft. MRCX <sup>Thick Br.</sup>

Warm Sunny day

E2037 Va. 45

300E 4 dr.

Blue

Prepped at Gate

with light turn

signal on

7/20/93 6:35 PM

POWER NOTES #D 6-9

JCK

for

Ark- 10-93

R.C.N-504

Grey Honda Accord

YdC-

Vanderbilt University

Station on Reel

Windshield-

Painting Station 30363

for Vanderbilt University

Suit Coat + Tie - front

Passenger seat.

Within + Green Bay in

Busch



**DEPOSITION OF CHERYL A. BRAUN  
IN RE: S. RES. 229**

---

**SATURDAY, JULY 23, 1994**

**U.S. SENATE,  
COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS,  
*Washington, DC.***

Deposition of CHERYL A. BRAUN, called for examination pursuant to notice of deposition, at 2:20 p.m. in the Dirksen Senate Office Building, Room SD-632, before JANE W. BEACH, a Notary Public within and for the District of Columbia, when were present:

**GLENN F. IVEY, Esq.  
Majority Counsel  
ROMAN E. DARMER, III, Esq.  
PAUL GOLDENBERG, Esq.  
IRA PAULL, Esq.  
JULIE FALLON, Esq.  
Minority Counsel  
Committee on Banking, Housing, and Urban Affairs  
U.S. Senate  
On behalf of the Committee.**

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EXHIBIT

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| Cheryl A. Braun   |            |
| DEPOSITION NUMBER | IDENTIFIED |
| Exhibit 1 .....   | 8, 559     |

## P R O C E E D I N G S

(2:20 p.m.)

Whereupon,

CHERYL A. BRAUN

was called for examination in the above-entitled matter and, having been first duly sworn by the Notary Public, was examined and testified as follows:

## EXAMINATION

BY MR. IVEY:

Q Good morning, or good afternoon, I am sorry. My name is Glen Ivey. I am counsel for the Senate Banking Committee.

We are doing this deposition in preparation for hearings on the investigation related to the death of Vince Foster. And all that is done pursuant to this, which is Senate Resolution 229, just so you can take a look at it there and see.

I think it's right here, this section, "Investigation of Park Police investigation into the death of White House Deputy Counsel Vincent Foster."

A Okay.

Q To that end, I am going to ask you a series of

---

4

questions, and Mr. Darmer will ask you questions after I am done, related to the investigation. Obviously, it is under oath and it is being transcribed. So to the extent you can, give your honest best answers.

If there is any speculation or guesswork in your answers, tell us that before you give the answer and tell us what part is speculative and what part is fact-based.

A Okay.

Q If you don't understand my question or you have some question about it, just let me know, and I can rephrase it or explain it or whatever is necessary so that we can get the response from you.

If you down the road think back on an answer that you've given previously and you want to supplement that answer, feel free. But just let me know that you're going back to a previous question so I can make the jump back in time with you.

A Okay.

Before you get started, I had mentioned downstairs I got a phone call yesterday from a Newsweek reporter, and I don't remember what his name was, and I didn't address any of his questions.

1 I told him that he would have to go through Major  
2 Hindes, through the chief's office, as pursuant to our  
3 general orders regarding press statements.

4 Q Okay. Well, we will come to that.

5 A Okay.

6 Q We will come to that.

7 A All right.

8 Q As far as objections, there are, I guess, two  
9 sets of possible objections.

10 One would be scope, which means that the question  
11 or the answer that it calls for would go to something that  
12 is not related to the investigation of Vince Foster's death.

13 In the event that there is an objection of that  
14 type, don't answer the question. Let us try and resolve it  
15 before you either give an answer or the question is  
16 withdrawn.

17 For objections of other types, like the form of  
18 the question, as long as you understand the question, you  
19 can still answer the question, and the objection is just  
20 noted for the record.

21 A Okay.

22 Q You can take a break at any point you want. If

---

1 you would like to ask me any questions at any point, that's  
2 fine.

3 And I guess before we get started, I want to make  
4 sure, does everything I have said so far make sense to you?  
5 Do you understand what I have said so far?

6 A Yeah. I have done depositions before.

7 Q Okay. Great.

8 Would you state your name for the record and  
9 spell your last name?

10 A Yes.

11 It's Cheryl A. Braun--B-r-a-u-n.

12 Q And how are you employed?

13 A I am employed as a sergeant with the United  
14 States Park Police.

15 Q How long have you been with the Park Police?

16 A I will have nine years the beginning of August.

17 Q How long have you been a sergeant?

18 A I have been a sergeant for a year, beginning of  
19 August.

20 Q So what was your rank on July 20, 1993?

21 A I was a plainclothes investigator with our  
22 criminal investigations branch.

1 Q All right. And what unit are you assigned to  
2 right now?

3 A Right now I am on loan to the crime and violence  
4 task force.

5 Q What are your responsibilities with them?

6 A I supervise officers in the 5th District of the  
7 metropolitan D.C. area.

8 Q How many do you supervise?

9 A It varies on a day-to-day basis from like 12  
10 officers to as much as 24.

11 Q And on July 20, 1993, what were your  
12 responsibilities then?

13 A I was assigned as a plainclothes investigator  
14 with the criminal investigations branch, and I was assigned  
15 to the Central District of the Park Police jurisdiction,  
16 which would be the downtown area, the monuments, the  
17 museums.

18 However, if an emergency occurred, then I would  
19 respond anywhere within our park areas to handle the  
20 situation.

21 Q Okay. And what type of responsibilities did you  
22 have in responding to those types of situations?

1 A Okay. To investigate crimes, deaths, fatal  
2 accidents, robberies, rapes, assaults.

3 Q Okay. Was there someone that you worked with at  
4 that point?

5 A Well, at that point I was training several new  
6 investigators in the office.

7 That particular day I was working with John Rolla  
8 and Ryndi Abt. And I think that was it; it was just the  
9 three of us. We were short.

10 Q And where were you stationed or what--

11 A We were stationed in our Anacostia station, which  
12 is on Anacostia Drive.

13 Q Okay. Have you given a statement about this,  
14 about July 20, 1993, previously?

15 A Only to the FBI for the Fiske investigation.

16 Q Okay.

17 MR. IVEY: Could you mark this for me?

18 (The document referred to was  
19 marked Braun Deposition  
20 Exhibit No. 1 for identification.)

21 BY MR. IVEY:

22 Q All right.

1 Let me give you what has been marked as Exhibit 1  
2 and ask you to read it.

3 Have you seen this before, this document before?

4 A Not the typed-out.

5 Q Okay. Why don't you read it?

6 (Pause.)

7 A What are the breaks in the--

8 Q That is material that has been redacted from your  
9 statement.

10 (Pause.)

11 Okay. Now, does Exhibit 1 fairly and accurately  
12 reflect what you have said in your interview to the FBI  
13 investigators, with the exception of the material that is  
14 redacted?

15 A Yes.

16 Q Okay. So on July 20, 1993, did there come a time  
17 when you went to Fort Marcy Park?

18 A Yes.

19 Q Okay. Why did you go there?

20 A We had a call that came over the radio that  
21 advised of a dead body by one of the cannons. And so I got  
22 on the air with one of the units that was responding or that

---

10

1 had responded and asked him to advise whether it was natural  
2 or suspicious in nature.

3 Q Do you recall who that was that you were talking  
4 with?

5 A I believe it was Officer Fornshil.

6 Q Okay.

7 A I believe, to my recollection, he was the first  
8 one on the scene.

9 Q At the point when you were talking with him, had  
10 he already found the body?

11 A Yeah.

12 Q Okay.

13 A Yeah.

14 Q What was the rest of the conversation?

15 A He advised that it was suspicious, and so I asked  
16 him to close off the gate to Fort Marcy and set up a, you  
17 know, perimeter around the crime scene.

18 Q Okay. Now, you said you asked him if it was  
19 suspicious or what?

20 A Suspicious or natural.

21 Q Suspicious or natural.

22 A Uh-huh.

1 Q Okay. So when he said suspicious, what did that  
2 mean to you?

3 A Well, with working in the Washington metropolitan  
4 area, it might be easier for me to explain natural.

5 Q Okay.

6 A I mean we have so many homeless people in the  
7 area that will die and so a natural death meaning that they  
8 died of their own causes; whereas suspicious, where it was  
9 caused by another person, a weapon, an instrument, being a  
10 knife or something like that.

11 Q So suspicious would be a death by violent means,  
12 I guess you would say?

13 A Right.

14 Q All right.

15 Did he say at that point whether he thought it  
16 was a homicide or a suicide?

17 A No.

18 I didn't ask him any further questions regarding  
19 that, just so that I knew whether we needed to, you know,  
20 set up a perimeter or not.

21 Q Okay. So what did you do after you finished  
22 talking with Fornshil?

1 A I advised Investigator Rolla and Investigator Abt  
2 that we need to respond up there because we had a crime  
3 scene. And I also notified Pete Simonello, who is our  
4 DETEC. And we all got our stuff together and headed up to  
5 Fort Marcy.

6 Q Okay. What did you do after you got to Fort  
7 Marcy?

8 A When we pulled into Fort Marcy, there was a  
9 Mercedes that was in front of or in the area of the gate,  
10 and we came around, you know, the wrong way to get in.

11 Q Wait a second.

12 You say the Mercedes was in front of the gate.  
13 Was it blocking it?

14 A Yeah.

15 Q Okay.

16 A Yeah. There's--the entrance to Fort Marcy, it  
17 kind of bears to the right off of the GW Parkway, and there  
18 is a gate that goes the whole way across.

19 There is also a little ramp so that when people  
20 are coming out, that they can just bear around to the right  
21 to go back north.

22 Q So there is an entrance ramp and an exit ramp?

1 A Right.  
2 Q And this Mercedes was blocking the entrance ramp?  
3 A Entrance ramp. Right.  
4 Q So you used the exit ramp to get to the car?  
5 A Right.  
6 Q Did you ever find out who owned the Mercedes?  
7 A No, I didn't.  
8 It was--I know that a female operator had left it  
9 there and gone to seek assistance. But who she was I don't  
10 know.  
11 Q Okay. And who was at the park when you got  
12 there?  
13 A When I got there, Officer Spetz was there,  
14 Officer Fornshil was there, Lieutenant Gavin was there.  
15 There was a sergeant there--who was it--D2  
16 sergeant. I am drawing a blank on who it was. And D2 is  
17 the George Washington Memorial Parkway.  
18 Q Was it Sergeant Edwards?  
19 A Yeah. That's right.  
20 It was.  
21 Q Anybody else there?  
22 A Let me think.

1 Yeah, I think there was one other officer,  
2 Fornshill, Officer Fornshill.  
3 Q Any medical personnel?  
4 A No medical personnel.  
5 There was a couple, a man and a woman, who were  
6 there. And I don't recall what their names are.  
7 Q Okay. What was going on when you got there?  
8 A When we pulled up, Officer Spetz was speaking to  
9 the man and the woman, and so I approached to find out what  
10 she had found out from them and to speak to them myself.  
11 And they had indicated that they were there, you  
12 know, like having a picnic and that they had not heard  
13 anything and that they then provided their information to  
14 Officer Spetz, and she gave it to me on a little piece of  
15 notepaper.  
16 Q Who was in charge of the people that were there  
17 at this point?  
18 A I was. As far as the investigation?  
19 Q Uh-huh.  
20 A I was.  
21 I was the senior investigator.  
22 Q You were the senior person?



1 A Yeah.

2 Q All right.

3 Then after you got this information from Spetz,  
4 what did you do?

5 A We--well, we were waiting initially for Officer  
6 Simonello to get there, and he got there a couple of minutes  
7 after we did, and then we all went with, I think it was,  
8 Officer Ferdstall who took us up to the scene.

9 I don't recall, I don't--for some reason I don't  
10 think Officer Fornshil was still there because I think he  
11 was working a Wolf Trap detail or something and he had to  
12 respond to that.

13 But we went up and looked at the body and started  
14 taking pictures.

15 Q Did you go to the body?

16 A Yes.

17 Yeah. We all walked up there.

18 Q Who started taking pictures?

19 A Officer Rolla was taking pictures with the  
20 Polaroid, what we call backup photos, and Officer Simonello,  
21 who is the ID tech, was taking the 35-millimeter photos.

22 Q Had the area been roped off?

---

1 A No, we didn't actually because of closing the  
2 gate. That kept anybody else from coming into the area.

3 So we had actually a very broad perimeter, and  
4 there--it's, the area where the body was was a good  
5 probably, I'd say, like close to a quarter-mile walk from  
6 the parking lot.

7 Q Did you drive up to that area?

8 A Not easily, no, because you have to go up a  
9 little bit of a ravine and then it levels off a little bit  
10 and then you go up a little further and it's all wooded and  
11 some grass areas.

12 So it wouldn't be a matter of where you would be  
13 able to drive up to where it was.

14 Q Okay. And did you see the body?

15 A Yes, I did.

16 Q What did it look like?

17 A It was laying on the slope of the hill, and it  
18 was a fairly steep grade, you know, probably like 45  
19 degrees. And the head was at the top with the legs  
20 extending down and the arms by the side. And in his right  
21 hand was the gun.

22 Q How close did you get to the body?

1 A I walked right down to right above the head and  
2 then partially down beside the body.

3 Q Okay. Who else was around the body at the point  
4 that you saw it?

5 A Rolla, Detective Rolla was; and Pete Simonello,  
6 because they were snapping the pictures.

7 Q Anybody else?

8 A Investigator Abt was right there, but at that  
9 point she was standing, you know, like up at the top.

10 Q How do you spell Abt's name?

11 A It's--her last name is A-b-t. Her first name is  
12 Ryndi--R-y-n-d-i.

13 I think that reflects Randy, which--

14 Q Okay.

15 Now, was there a cannon near the body?

16 A Yes, there was.

17 Q Okay. How many cannons did you pass before you  
18 got to this cannon that the body was near?

19 A That's a good question, because I haven't been up  
20 there since.

21 (Pause.)

22 I don't really remember passing any, but for some

---

1 reason I seem to think that there was another one that was  
2 like further off to the side because it's--they look out  
3 like over toward where the water is, toward the Potomac.

4 Q Okay. Is there anything that would refresh your  
5 memory about it?

6 (Pause.)

7 Well, if you don't recall, that's all right.

8 A I mean without walking up there to the scene, I  
9 don't know if any of the reports would indicate it.

10 Q Okay.

11 A I really don't remember now.

12 Q Did you stay with the body?

13 A I stayed with the body for probably maybe 15, 20  
14 minutes or so, maybe half an hour, while they were taking  
15 the photos. And I directed Investigator Rolla to check the  
16 pockets and see if he could find any identification or a  
17 suicide note or anything like that, which he didn't have any  
18 success with that.

19 We did find Mr. Foster's glasses down the hill  
20 from where the body was, you know, maybe about ten feet or  
21 so.

22 Q Was there blood on the body?

1 A Yes, there was.

2 Q Where?

3 A In the nose area and in the mouth area. And  
4 there were lots of flies in the eyes, nose, and mouth.

5 There was also the blood in the--on his shirt in  
6 the area of his right shoulder.

7 That's about all that I saw because I wasn't  
8 there when they actually moved the body later on to put it  
9 into the body bag.

10 Q Okay.

11 What were you doing while they were taking the  
12 photographs?

13 A I was basically directing Investigator Rolla what  
14 to do because he was new in the office.

15 I wanted him to get the experience of handling a  
16 crime scene. So I was directing him what to do, and then I  
17 gave him some instructions.

18 And to help save time, I then went down to the  
19 car to start going through the car to look for  
20 identification and a suicide note.

21 Q Was the car locked?

22 A No, it wasn't.

1 It was open.

2 Q Was there more than one car there?

3 A There was Mr. Foster's car and then there was the  
4 car further down in the lot that had belonged to the couple.

5 Q Okay.

6 So did the couple tell you which car was theirs?

7 A Yeah.

8 Q Okay.

9 A Yeah. Plus the car that was Mr. Foster's car was  
10 close to where you would go into the woods to walk up to  
11 where he was.

12 And it had Arkansas tags on it.

13 Q Did Simonello try to print the car before you  
14 went into it?

15 A No.

16 We didn't see any reason to do that.

17 It wasn't--you know, it was fairly obvious that  
18 it was a suicide.

19 There was no indication that it was a homicide  
20 scene.

21 Q What were the indications to you that it was a  
22 suicide?

1       A    The fact that the gun was in his hand, and that  
2 it was--before I had left, Investigator--or I mean ID Tech  
3 Simonello had said that the gun was trapped on his thumb.

4           That to me would indicate that he fired the  
5 weapon himself.

6       Q    Why is that?

7       A    Well, if somebody else had put it in his hand, it  
8 wouldn't have been stuck onto his thumb the way it was.

9       Q    Did you see any other things that led you to  
10 think it might be a suicide?

11       A    Yeah. There was no evidence of a struggle.  
12           His clothing was orderly, it was clean; it wasn't  
13 dirty, you know, as if he had been struggling with somebody.

14           The area where he was sitting or ended up lying  
15 was dense foliage, and it would have been very difficult for  
16 anybody to have put him in there without disturbing the  
17 branches and leaving some kind of a sign that there had been  
18 more than one person there.

19       Q    By the way, to your knowledge, had he been  
20 pronounced dead at this point?

21       A    He had not officially been pronounced dead by the  
22 coroner, no.

1           But it was--I have seen dead bodies before.

2       Q    Okay. What was it about the way he looked that  
3 led you to think that he was dead?

4       A    He was--his color of his skin, which was drained  
5 of blood.

6           His eyes were rolled up in the back of his head,  
7 with the flies all over him.

8       Q    Okay. Do you know if any medical personnel had  
9 worked on him or checked on him or did anything to him?

10       A    I have been told afterwards that there had been  
11 medical personnel there, but--

12       Q    Did you hear anything about what they had said or  
13 determined?

14       A    No.

15       Q    Okay. So you then go back to the parking lot  
16 area?

17       A    Right.

18       Q    To look at the car?

19       A    Right.

20       Q    What do you find in the car?

21       A    I went through the car.

22           I found normal stuff in the car, sunglasses,

1 photos, registration.

2 I found on the front--

3 Q Do you remember who the registration was?

4 A Yeah.

5 It was to Vincent Foster.

6 On the front seat of the vehicle was the jacket  
7 which matched Mr. Foster's pants.

8 It was like folded neatly on the seat. Inside of  
9 the jacket was--inside pocket--was his wallet.

10 And as I recall, the credentials I thought were  
11 tucked like not in a pocket but in the jacket like  
12 underneath it or inside the fold of it.

13 And they were the White House credentials which  
14 identified him as Vincent Foster and the picture resembled  
15 the body that we had been looking at.

16 Q Did the name Vincent Foster mean anything to you  
17 at that point?

18 A At that time, no, it did not.

19 Q Okay. But you saw White House credentials?

20 A Right.

21 Q All right.

22 Did that change anything about the way you were

---

1 doing your investigation?

2 A Yeah. Well, that means that notifications had to  
3 be made.

4 So I had another officer make a notification to,  
5 or I asked him to make a notification, to our shift  
6 commander.

7 And then I later found out that that notification  
8 wasn't made, so I made the notification to myself--or I made  
9 the notification myself.

10 Q Whom did you notify?

11 A The shift commander, who was Lieutenant Gavin.

12 Q And why does the fact that it's White House  
13 personnel mean you have to notify a supervisor?

14 A Because then we do what we call a 100-page, which  
15 notifies all of our officials on the department that we are  
16 dealing with somebody who is not an ordinary citizen, I  
17 guess would be the best way to put it, somebody from the  
18 White House.

19 So there would be inquiries and then--

20 Q Inquiries by?

21 A Well, by the White House, by press, by, you know,  
22 other people.

1 Q Do you know if the Secret Service was notified?  
2 A Yes.  
3 Lieutenant Gavin made those notifications.  
4 Q Did you speak to Gavin on the phone yourself?  
5 A Yes.  
6 Q Okay.  
7 A Or, actually, no, I'm sorry, I did not.  
8 I think I called communications and had them  
9 notify Lieutenant Gavin.  
10 Let me correct myself there.  
11 Q After you did the notification, what did you do  
12 after that?  
13 A That was, I guess, probably about the time that I  
14 had finished going through the car and the coroner had  
15 arrived and went up to the scene and pronounced the body.  
16 Q Do you remember the name of the coroner?  
17 A No, I don't, not without looking at reports.  
18 Q Okay.  
19 MR. IVEY: Can I take a short break? Is that  
20 okay with you?  
21 Off the record.  
22 (Recess.)

---

1 BY MR. IVEY:  
2 Q Let me ask you this: Other than the 100-page, is  
3 the fact this was a White House person change the way you do  
4 our investigation? Did it change the situation?  
5 A No, it just changed the notifications.  
6 Q Okay.  
7 A That's all.  
8 It didn't change the way we do our investigation.  
9 It just changed the fact that we made notifications to  
10 officials because there is going to be inquiries from  
11 outside the department.  
12 Q Okay. Did some of these officials come to the  
13 scene?  
14 A No.  
15 The only official that came by other than  
16 Lieutenant Gavin was Lieutenant Schmidt, who was--he's in  
17 charge of our narcotics and vice unit.  
18 And he stopped by.  
19 And at that time I had not found--when he stopped  
20 by, I had not found the credentials yet, and he asked, you  
21 know, was there anything I needed, and I said, "No,  
22 everything's fine. You know, we have a suicide. We're,

1 you know, doing our investigation."

2 He was satisfied, and then he left.

3 Q Okay. So then after the coroner, actually the  
4 medical examiner got there, what did the medical examiner  
5 do? Did you see the medical examiner with the body?

6 A No.

7 Because I was still going through--when he got  
8 there, I was like finishing up with the car.

9 I think I was in the trunk of the car at that  
10 point. So I had somebody else walk him up.

11 I had somebody else walk him up to the scene.

12 And I stayed down and finished what I was doing  
13 in the car, which was going through Mr. Foster's daughter's  
14 school papers and stuff like that.

15 Q Mr. Foster's daughter's school papers?

16 A Yeah.

17 Q How do you know they were Mr. Foster's daughter's  
18 school papers?

19 A Well, they had "Laura Foster" written on them.  
20 And she had some letters in there with her name. And, I  
21 assumed from his age, that this was his daughter.

22 Q What age did you think the Laura Foster was, just

---

1 by the look of the papers?

2 A Well, by the look of the--it was college  
3 paperwork.

4 So I figured she was probably in her, you know,  
5 early 20s, or 20, in that area.

6 Q What made you think it was college paperwork?

7 A The material.

8 I don't remember specifically what it is at this  
9 point, but the material was college.

10 Q Were they notebooks?

11 A Yeah. They were like notes.

12 And I think there was a couple of textbooks, but  
13 what they were I couldn't tell you.

14 Q And where were these in the car?

15 A They were in the trunk of the car.

16 Q What else did you see in the car?

17 A As I was saying earlier, the jacket with the  
18 wallet and the credentials.

19 There was pictures in the glovebox, and  
20 sunglasses, a couple of empty cigarette boxes.

21 There was like a canvas bag that had two old  
22 empty beer bottles in it; I don't recall what brand the beer

1 bottles were.

2 Q What kind of canvas bag? What did this bag look  
3 like?

4 A It was like--I don't remember the exact colors,  
5 but it was one of those like L.L. Bean bags or something,  
6 with the--

7 Q Was it a backpack kind of thing?

8 A No, no, no.

9 The kind with the handles, the canvas, you know,  
10 the sturdy canvas with the handles.

11 And I know it was two colors, but what it was I  
12 couldn't tell you.

13 Q Okay.

14 A And there was also, I just remembered, a map on  
15 the floor on the passenger side.

16 Q A map of what area?

17 A The Washington metropolitan area.

18 And it was laying on the floorboard on the  
19 passenger side on the front.

20 Q Was it folded up?

21 A It was folded in a square.

22 It had like the beltway.

1 It was that area.

2 Q So it was folded to show part of the map?

3 A Right. Yeah.

4 I don't know if you've had access to the photos,  
5 but I believe that it does show it fairly clearly in one of  
6 the Polaroids that I took.

7 Q Was it in the trunk?

8 A The map?

9 Q Yes.

10 A No, it was laying on the front floorboard on the  
11 passenger side.

12 And tapes were like the only other thing in the  
13 car.

14 Q Tapes? Musical tapes?

15 A Musical tapes.

16 Q What kind of music?

17 A I don't recall.

18 I believe they were--it seemed to me it was like  
19 rock, like pop kind of tapes. You could tell it was a  
20 family car, you know.

21 I mean everybody used this car and--so.

22 Q Did you interview anyone else out at the scene



1 that night?

2 A At the scene? No.

3 Just the couple when I initially got there, and  
4 then from there we went up to the body and I, you know, got  
5 Investigator Rolla started on the photos and what needed to  
6 be done at that particular scene.

7 Then I went back and took care of the car, and  
8 that was it.

9 We, once the body was loaded and gone to the  
10 hospital, we realized that we still had not found the keys,  
11 and they weren't in the car.

12 So Investigator Rolla and I went over to the  
13 hospital, because I figured he had to have missed them in a  
14 pocket. And I was right. They were in his right front  
15 pants pocket. And I retrieved them.

16 And then we left from the hospital.

17 We had, on the way to the hospital, been  
18 contacted by the shift commander, who advised us to contact,  
19 I think it's Mr. Watkins, and he said that he worked with  
20 Mr. Foster, was a friend of the family, and asked if he  
21 could go and do the notification to Mrs. Foster with us,  
22 which I didn't have a problem with that because that

1 sometimes makes it easier when you're delivering news like  
2 that, to have somebody who is a friend of the family who can  
3 help calm the situation.

4 I think it's David Watkins, I believe is his  
5 name. And so we--

6 Q So you went to the medical examiner?

7 A We went to the hospital.

8 Q Oh, the hospital.

9 A The hospital where the body was taken.

10 In Virginia the bodies are taken to the hospital,  
11 to Fairfax Hospital, and then they are then later moved to  
12 the morgue.

13 Q Now, before the body was picked up and, you know,  
14 put in the body bag and all that, are you aware of anybody  
15 moving the body?

16 A Well, other than Investigator Rolla, you know,  
17 like moving it, looking for identification, I wasn't aware  
18 of anybody moving the body, no.

19 Q Did he do that before or after the--

20 A After.

21 Q --pictures were taken.

22 A He did it after. Yeah.

1 Q Okay. All right.  
2 So after you got the keys, did you keep the keys?  
3 A I believe I did.  
4 I either hung on to them or I gave them to John  
5 Rolla.  
6 Q All right.  
7 So one of you two had the keys, though?  
8 A Right.  
9 Q Did you then go back to the car, or did you go to  
10 do the notification?  
11 A We went to do the notification.  
12 We already had a crane that was coming for the  
13 car, and we just--what we did was we got a flatbed so that  
14 they could just load it onto that.  
15 Q Where were they going to take the car?  
16 A Down to our lot, down at the--where our criminal  
17 investigations unit is in Anacostia.  
18 Q For what purpose?  
19 A To keep it so that if we felt like we needed to  
20 go back through the car for any reason later on.  
21 Q Was the car photographed before or after you went  
22 through it?

---

1 A It was photographed, I would take picture of an  
2 area and then go through that area, and then--so it was  
3 photographed prior.  
4 Q Okay.  
5 So tell me about the notification.  
6 About what time did you get to the Fosters'  
7 house?  
8 A I think it was somewhere in the area of like  
9 10:00 in the evening.  
10 Q Okay. And Watkins was with you at this point?  
11 A Right.  
12 Q Was anybody else with you?  
13 A Well, Mr. Watkins was with us, and at the time  
14 that we were walking up to the front steps of Mr. Foster's  
15 house, a whole entourage, which included Web Hubbell, his  
16 wife, Sheila--I am drawing a blank on her last name.  
17 Q Anthony?  
18 A Yes. Yes.  
19 There was another female, who I believe she had  
20 identified herself as one of Mr. Foster's sisters, but I  
21 don't recall what her name was.  
22 There was somebody else, too, and I can't

1 remember.

2 White House staff people from the counsel,  
3 general counsel's office got there at about the same time we  
4 did, which we're trying to get in the door to try to make  
5 our notification without all these people.

6 We were not aware that they were coming.

7 Q Are you aware of how they found out that you were  
8 coming to give the death notification?

9 A Well, they all worked in the White House and/or  
10 were associated with people who worked in the White House.

11 And so when the notification was made to the  
12 White House, I guess it all went out from there.

13 Q Okay.

14 A So it wasn't notifications that we had made.

15 The only people that we had spoken to en route to  
16 the hospital and then to do the notification was David  
17 Watkins and Kennedy, I don't know what his first name was.

18 Q William?

19 A Yeah.

20 And he had asked that he and Mr. Livingston be  
21 able to go and look at the body to verify that it was Vince  
22 Foster.

1 Q That was when you went to Fairfax?

2 A That was--they called, I believe, after we had  
3 left Fairfax and we were en route to do the notification was  
4 when they--they--or they asked us to contact them.

5 Q Okay. So they went to the hospital, but you had  
6 already left to go to the--

7 A Right. Right. Right.

8 Q All right.

9 So what happens when you get inside the house?

10 A We got in--well, Laura answered the door,  
11 Mr. Foster's daughter, and we asked her to get her mother.

12 Mrs. Foster and Lisa came down the stairs.

13 She was in a bathrobe, and she got like three-  
14 quarters of the way down the stairs, and Investigator Rolla  
15 went up to her and told her that her husband, Vincent  
16 Foster, was dead.

17 And she got hysterical, which is not unusual.  
18 And she at that same time everybody of course was flooding  
19 in the door, as far as Webster Hubbell and Sheila Anthony  
20 and that entourage.

21 I believe she went back up the stairs.

22 And David Watkins' wife, I think I have neglected

1 to mention that before that she had played tennis with Lisa  
2 earlier in the day.

3 And she had followed us in her vehicle to be  
4 there kind of for Lisa.

5 She went with Lisa upstairs to put some clothing  
6 on.

7 And then they came down, and we tried to talk to  
8 Lisa Foster.

9 She--she wouldn't talk to me.

10 She talked to John a little bit.

11 Q Why wouldn't she talk to you?

12 A I don't know.

13 She just--you know, people are different, and  
14 especially in times of stress, and I could not get a rapport  
15 going with her, so you go with whoever can.

16 John was--maybe she was looking for the comfort  
17 of a man in that kind of a situation. And she responded to  
18 John, and she would answer some of his questions.

19 It was very difficult because of all the people  
20 milling around.

21 I tried to talk at one point, I believe, to

22 Sheila Anthony, and Webster Hubbell came up and shoved me

---

1 out of the way. And it was just, you know, a very difficult  
2 situation with--with all of those people there.

3 We were able to get a little bit of information,  
4 or I should say Investigator Rolla was able to get a little  
5 bit of information from Lisa Foster.

6 Q Did you hear any of that conversation?

7 A Yeah.

8 She--she had asked Investigator Rolla if he had  
9 killed himself with a gun, and he said "yes," and he asked  
10 her, you know, if she, you know, knew if there was a gun in  
11 the house, and she said she didn't, as I recall.

12 And these are, you know, recollections from over  
13 a year ago.

14 Q Well, let me back up.

15 A Okay.

16 Q She asked--what was the first thing that she  
17 asked?

18 A I believe that the way she asked it was did he  
19 kill himself with a gun, or something to that effect.

20 Q And had you or John Rolla said anything up to  
21 that point--

22 A No.

1 No, we had not.

2 Q Let me finish the question.

3 A Okay.

4 Q To indicate that he had used a gun in killing  
5 himself?

6 A No.

7 Q Okay.

8 A No. All we had told her was that her husband was  
9 dead.

10 Q Okay.

11 A Okay. And that--I believe we had said that he  
12 had committed suicide. But we had not indicated how.

13 And I recall at another point there was a  
14 discussion about what the gun looked like.

15 She asked Investigator Rolla about what the gun  
16 looked like.

17 Q What had been the conversation before her asking  
18 what the gun looked like?

19 A The conversation was like jumpy all around, and I  
20 don't really remember because we kept getting interrupted  
21 with different people moving around and the phone was  
22 ringing.

1 And so this was at a point where it was after she  
2 had asked about like how he had, you know, if he had used a  
3 gun.

4 And then there were some interruptions, and she  
5 was going into the kitchen, as I recall, to get something to  
6 drink. And John was going with her, and she asked.

7 John would be the better one, you know, to ask  
8 about that because I don't remember all the specific  
9 details.

10 But I do recall that she did ask about what the  
11 gun looked like, like she had seen, you know, like it  
12 appeared to us like she had seen a gun before.

13 Q Did you hear any other snippets of conversation  
14 from her?

15 A Those were the main ones that were really  
16 outstanding that I recall.

17 Q Did you talk to any other family members?

18 A I talked to Laura a little bit, but again I kept  
19 getting interrupted by the phone and by other people, and  
20 really didn't get any useful information.

21 Q Do you recall what she said to you?

22 A No.

1 I really don't remember like the content of our  
2 conversation.

3 I remember I was more trying to build a rapport  
4 and trying to calm her down to try to get information from  
5 her, and I had not quite built the rapport.

6 I was just starting to get to that point when the  
7 President got there.

8 And so that kind of--that ended everything.

9 Q How long were you there before the President got  
10 there?

11 A Probably 45 minutes to an hour, somewhere in that  
12 neighborhood.

13 And like I said, it was very chaotic, with the  
14 phone ringing off the hook and, you know, all the different  
15 people in and out.

16 Q Normally at a death notification, how long would  
17 you be at a house?

18 A It all varies.

19 It depends on the state of the people and, you  
20 know, what kind of information we get out of them and what  
21 kind of a death notification you're doing, too.

22 Q Let's say for a suicide.

---

1 A That was the first suicide death notification I  
2 have done.

3 So I have done them for fatal motor vehicle  
4 accidents, you know, but as far as a suicide, that was the  
5 first one that I had done.

6 I can't really give you a ball park answer on  
7 that.

8 I mean we were trying to get information.

9 We would have like to have, you know, gone  
10 through and sat down alone with the family to be able to get  
11 some answers, and it was just an impossible situation.

12 Q Well, have you ever been in a situation at a  
13 notification that was similar to this, or is this pretty  
14 much unique?

15 A It was very unique.

16 Q Okay.

17 A I mean it's, like I said, it wasn't unique in  
18 that she was hysterical and it took a while to calm her down  
19 initially, but then the fact that you had all these other  
20 people there and, you know, it wasn't that--I don't feel  
21 that anybody was trying to interfere or anything, but it was  
22 just that there were so many people there that everybody was

1 tripping over each other and getting in each other's way,  
2 and, you know, it just made it very difficult for us to do  
3 aa job.

4 Q So what did you do after the President got there?

5 A Well, he kind of monopolized Mrs. Foster and  
6 Laura.

7 He went and sat on the couch with them on either  
8 side of them. And that was kind of it.

9 There was a Secret Service agent outside, one on  
10 the stairs, and at that point I said to John, I said we  
11 might as well come back tomorrow because we're not going to  
12 get, you know, any more information tonight.

13 I mean maybe I should have been a little bit more  
14 bullheaded and maybe told the President to get out of the  
15 way, but, something about when the President walks in, it  
16 kind of like, you know--

17 Q I know. Okay.

18 So, when you leave the house, where do you go?

19 A We go back to the office to start our paperwork.

20 Q Did you make any other phone calls or receive any  
21 other phone calls about this case while you were back at the  
22 office?

1 A I spoke to the major of my unit, the criminal  
2 investigations branch, Major Holmes, to let him know what  
3 had transpired.

4 Q Why did you call Major Holmes?

5 A He, actually, I believe--I don't recall if I  
6 paged him or he--he called, because he had gotten--he was  
7 part of the 100, what we call the 100-page.

8 And he would be part of that.

9 And I believe that that was why he called, and I  
10 let him know that that was what the 100-page was about.

11 And then the only other phone call that I  
12 attempted to make, before we had left, the family had asked  
13 us to not--not make a press release because of Mr. Foster's  
14 mother being elderly and they wanted to have somebody go to  
15 Hope, Arkansas, where she lived, to make the notification to  
16 her in person.

17 So they asked us to not make a press release, and  
18 I told them that we could hold off on it for a while but  
19 that we would eventually have to make some kind of a  
20 statement.

21 So I had contacted the shift commander to hold  
22 off on any press release.

1 And when I got--shortly after I had gotten back  
2 to the office, I found out that the White House had already  
3 made a press release.

4 So I had attempted to contact David Watkins to  
5 let him know that that had already been done and, you know,  
6 that it did not come from our office. And I did not get  
7 through to David Watkins.

8 Q Do you know if--well, let me ask you this, I  
9 guess.

10 What had you done with the car keys at this  
11 point?

12 A We took the car keys along with the rest of the  
13 property and put it into bags for safekeeping.

14 Q What types of bags?

15 A Evidence bags.

16 Q Okay. And what do you do with the evidence bags?

17 A We fill out a property slip as to what the  
18 contents are and then attach that to the bag. And that  
19 identifies who it belongs to and what it is and the quantity  
20 and, you know, things like that.

21 Q Are they secured, locked up somewhere?

22 A Yeah.

1 We secured them all.

2 In our criminal investigations branch, we have  
3 like they have in the train station, the lockers with the  
4 key.

5 So we put it on one of those, and Investigator  
6 Rolla had the key.

7 Q All right.

8 So you're back at the station doing paperwork.

9 A Uh-huh.

10 Q You and Rolla.

11 Is Simonello back yet?

12 A Yeah.

13 He had gotten back before us.

14 He and Investigator Abt--I don't recall, they  
15 left either at about the same time or just prior to  
16 Investigator Rolla and I leaving to go handle another case.

17

18 I think there were some juveniles or something  
19 that they had arrested down at Haines Point or something  
20 like that, and we always have an investigator handle  
21 juveniles.

22 Q Why is that?



1 A It's just part of our procedures.

2 We like to make sure that the juveniles are  
3 handled properly.

4 A lot of times a juvenile requires more  
5 paperwork, so the officers need the assistance with the  
6 paperwork.

7 And also then you have to notify the parents that  
8 a juvenile has been arrested.

9 So we always have an investigator to do that.

10 Q Okay. You just mentioned procedures.

11 A Uh-huh.

12 Q Are there procedures, or were there at this time,  
13 that govern investigating a death scene?

14 A Well, yeah.

15 I mean, you know, as far as the normal recording  
16 of the information and doing the evidence and doing the  
17 paperwork. And as far as procedures in writing, no, it was,  
18 you know, passed on from one--like I was trained, like I was  
19 training John. Uh-huh. So it wasn't like it was carved in  
20 stone in writing.

21 In this past--and it's not as a result of this,  
22 but in the past two months, one of our senior detectives has

---

1 written out procedures for handling fatalities, deaths, and  
2 things like this.

3 Q And who was that?

4 A It's Detective Rayfield. He wasn't working at  
5 the time that this--I mean in the department, but he was  
6 like on leave or something at the time that this occurred.

7 The reason they've done this is that we have in  
8 the office at this point very senior detectives with 20  
9 years on who are in the process of retiring, and very young  
10 investigators, like I was, and so they wanted to have  
11 something so that everything was handled the same way all  
12 the time and so that when these guys retire, there is always  
13 something that people can refer to. So that it wasn't at  
14 all as a result of this but--

15 Q What about was there some sort of a training  
16 academy--

17 A Oh, yeah.

18 Q --that you went to for death investigations?

19 A Yeah. I went through our criminal investigations  
20 school in FLETC, which is the Federal Law Enforcement  
21 Training Center down in Glencoe, Georgia. And that was an  
22 eight-week school, and it dealt with everything from getting

1 affidavits for warrants all the way, you know, to crime  
2 scenes and doing, you know, like tails, you know, of a  
3 suspect; stuff like that.

4 Q Did they have procedures written down then?

5 A Right. There was--well, it was manuals on  
6 general ways to do things because it was not, you know, it's  
7 a school for everybody, people from ATF, U.S. Park Police,  
8 Customs. You know, there was all these different agencies.

9 Q It's a federal school?

10 A Yeah. That go through it. So it's very  
11 generalized.

12 When I came back, I went through the Harvardon  
13 Police Associates homicide seminar, which was out of the  
14 Baltimore ME's office. And that was more specific as to  
15 different types of death and stuff like that.

16 Q Was that run by the Park Police?

17 A No. That was run by Harvardon Police Associates.  
18 It's out of Harvard Law School. And it's been around, I  
19 want to say like 70 years, but I am not sure on that. It's  
20 been around for a long time. It's very familiar to people  
21 who are in the criminal justice.

22 Q The procedures that you had learned, had the

---

1 procedures been followed during the death investigation?

2 A Uh-huh.

3 Q Are there?

4 A Yes. I'm sorry.

5 Q Do you feel there were any things that weren't  
6 done at the death scene that should have been done?

7 A No. No. You know, probably the only area where  
8 I would possibly fault myself--and I don't really see how I  
9 could have done things differently dealing with the White  
10 House, and I am not, you know, faulting them--we asked them  
11 to secure the room, but I knew they weren't going to allow  
12 me to just go up to the White House and go in. Okay.

13 You know, if I could have done anything  
14 differently, that might have been my next step when I left  
15 the notification, was to go to the White House and go to his  
16 office and, you know, go through it. But I knew that wasn't  
17 going to happen.

18 Q Did there ever come a time when you tried to go  
19 to the White House?

20 A That was done the following day, when it was  
21 turned over--since I am an investigator, normally a case,  
22 well, especially since this one turned out to be of the

1 scope that it did, with it involving the White House, it was  
2 turned over to a detective.

3 Usually, like homicides, rapes, our department  
4 prefers that those get handled by a detective and an  
5 investigator, with the detective being the more senior  
6 person.

7 So the next morning the case was then assigned to  
8 Detective Markland.

9 Q Okay. Did you have any problems with that?

10 A No. No. Detective Markland is very competent.  
11 I would have liked to stay on the case, and the only reason  
12 that I didn't stay on the case, so that you all know, was  
13 that I knew I was getting promoted and--at the beginning of  
14 August--and so that was the main reason also that I let  
15 Investigator Rolla do the majority of the work. I knew I  
16 was going to be leaving the office, and so I was there  
17 basically to assist.

18 Q Okay. Did you participate in any subsequent  
19 parts of the investigation after--

20 A No. I was--

21 Q --Markland took over?

22 A No, I did not. I stayed the next morning till

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1 around 7:00 in the morning to brief the captain, Captain  
2 Hume, when he came in, to let him know what the status was  
3 as far as the autopsy, which I believed was going to be the  
4 next day and had planned to come back in for, and to let him  
5 know, you know, what had transpired as far as with the  
6 notification and everything else, so that they would be  
7 comfortable with what needed to be done and to give them the  
8 reports that we had done.

9 So I left then at about 7:00 that morning and  
10 went home to go to bed. And that was on the 21st.

11 Q Okay. Did you hear anything else about the  
12 investigation?

13 A I got home, and of course Mr. Foster's face was  
14 all over the TV set. And I found out the next day when I  
15 called--or actually, I'm sorry, later that afternoon I  
16 called to check about coming in for the autopsy, because  
17 that was my day off. And they said that they had already  
18 sent--that it had gotten pushed up at the White House's  
19 request and that they had already sent--I believe they sent  
20 Detective Morrisette to that.

21 Q Okay. Was that disturbing to you that they had  
22 already done the autopsy?

1 A No. No. I was not surprised.

2 Q Why?

3 A Well, it's with it being the White House, I knew  
4 that they would want things to move a little more quickly.  
5 And it just--it wasn't disturbing or surprising.

6 Q Did you--

7 A I grew up in the Washington metropolitan area.

8 Q Did you feel rushed in any part of the  
9 investigation that you participated in?

10 A No. No. I, you know, I guess, you know, the  
11 only part that might have been a little frustrating was  
12 trying to do the notification and trying to get the  
13 information. And that was it. But every--I guess, you  
14 know, the best way to explain it is every situation is  
15 differently and when you do criminal investigation work you  
16 kind of learn to go with the flow.

17 Q Okay.

18 So when did you leave this office?

19 A My--oh, my promotion was August 4.

20 Q To sergeant?

21 A To sergeant. Yeah.

22 Q And then you were moved to a different location?

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1 A Right. I was reassigned to the  
2 Baltimore-Washington Parkway, which is our 4th District.

3 Q Where is your office there?

4 A It's in Greenbelt, Maryland.

5 Q Did you hear about the investigation from other  
6 Park Police officers that you had worked with?

7 A Well, being out on the Baltimore-Washington  
8 Parkway, I didn't have as much contact, especially starting  
9 with a new job. And, you know, trying to learn what I  
10 needed to do to be a supervisor, I did not have a lot of  
11 contact.

12 I would be--every once in a while, you know, I'd  
13 have to go down to our ID section for film or something like  
14 that, and I would just kind of, you know, check and see how  
15 things were going, but not to have really any involvement.

16 Q Okay.

17 A If that makes any sense. Just check on the  
18 progress, you know.

19 Q Did you hear anything about people trying to go  
20 to the White House to interview witnesses there?

21 A Well, I was still in the criminal investigations  
22 branch when they initially went to the White House.

1           And I do recall hearing that when they went to go  
2 through the office, there was, I guess it was Captain Hume  
3 and Pete Markland, and there was one or two FBI agents, and  
4 that while they were told to sit in a like certain chairs in  
5 the room and--while the staff went through. I don't recall  
6 who it was that went through the briefcases and things on  
7 his desk and everything.

8           And I heard that at one point one of the FBI  
9 agents stood up to stretch and they like yelled at him to  
10 sit down. I mean, now that, I don't know the validity of  
11 that. I mean that's, you know--

12       Q   Hearsay?

13       A   Hearsay.

14       Q   Okay.

15       A   Yeah. But, you know, that would not be normal  
16 procedure, you know. Normally, if you're going to handle  
17 it, Detective Markland or the FBI agent, if they were going  
18 to handle it, should have been the one to go through and  
19 look through the paperwork and stuff.

20           You know, of course, I mean this is my own  
21 opinion. When you're dealing with classified information  
22 and everything, you know, different people are going to

---

1 restrict your access. I used to work contract guard work,  
2 and, you know, we had security clearances and we had to  
3 always go around to make sure that everything was, you know,  
4 locked up and put away.

5       Q   Any other things about it that you heard?

6       A   That was the one thing that really stands out in  
7 my mind. Everything else kind of--you know, that's it, just  
8 the difficulty in, you know, that aspect of doing the  
9 investigation.

10       Q   Before you went to talk to Mr. Fiske's  
11 investigators, did you talk with any other Park Police  
12 officers?

13       A   No, I didn't.

14       Q   Did you ever talk with the chief?

15       A   My chief?

16       Q   Langston.

17       A   No. Not about this, no.

18       Q   Did you ever talk to any lieutenants or captains  
19 or anything about it--

20       A   No. I didn't even review--

21       Q   --other than what you have mentioned so far?

22       A   No. Captain Hume had contacted me about going

1 for that interview with the FBI. And, you know, I said to  
 2 him, you know, should I review, come down and review the  
 3 files or anything, and he said that was totally up to me,  
 4 but, you know--and I didn't. I didn't even go down. I  
 5 didn't have time.

6 I didn't go down and review, and I just went in  
 7 and answered the questions just as I did here today. I  
 8 didn't review anything before coming here.

9 Q Okay. Did Captain Hume tell you you should say  
 10 something, you shouldn't say something?

11 A No. No.

12 He wouldn't.

13 No, he's not that kind of person.

14 He just--he said if I felt more comfortable  
 15 reviewing the reports, to do that. Otherwise, just go in  
 16 and to tell--you know, answer the questions to the best of  
 17 my ability.

18 Q Were you ever called by anybody at the White  
 19 House?

20 A No. No.

21 Q What about the press?

22 You mentioned someone--

1 A Yesterday was the first call that I had received.  
 2 Apparently they have finally made public, I guess, this  
 3 investigation as well as possibly ours.

4 I don't recall what the reporter's name was. He  
 5 identified himself as being with Newsweek, and he asked--he  
 6 went into this big long, rambling dissertation about  
 7 reviewing the property slip that I had filled out from the  
 8 vehicle, and then asked about the canvas bag. And basically  
 9 he wanted to know what was in the canvas bag.

10 And I, you know, told him that I could not  
 11 provide him with any information unless I was given  
 12 direction from Major Hinde and that he would have to go  
 13 through Major Hinde.

14 Q Okay.

15 A And as I told you, there was like, as I recall,  
 16 two empty beer bottles in this canvas bag.

17 Q Had you heard from Major Hinde?

18 A No. As a matter of fact, you know, before this  
 19 reporter hung up with me, he said, "Well, are you going to  
 20 be there for a while?" And I was doing paperwork. I said,  
 21 "For a little while." And he said, "Well, I will get a hold  
 22 of Major Hinde, and I will get back to you." And I am

1 like, okay, figuring because it seems to me it was probably  
2 around after 4:00 in the afternoon when he called me  
3 yesterday and I know Major Hindes was probably gone home.  
4 So, and I have not heard anything from him, from this  
5 reporter since.

6 Q Okay. Did anybody ever try and influence  
7 anything you said or wrote in a report?

8 A No.

9 Q Okay.

10 A No.

11 MR. IVEY: I don't have any other questions.

12 THE WITNESS: Your turn.

13 EXAMINATION

14 BY MR. DARMER:

15 Q Officer, where were you on duty when you got the  
16 call to go to Fort Marcy Park?

17 A I was in our criminal investigations office at  
18 Anacostia Park.

19 Q And during the ride down to Fort Marcy Park, I  
20 think you said you were with Officers or Investigators  
21 Roelle and Abt?

22 A Roelle and Abt. Yeah.

1 Q Were there any further communications in the car  
2 concerning the case or the body?

3 A No. No. No. As a matter of fact, when the  
4 initial call came over the radio on the dead body, there was  
5 a chase, a car chase going on in one of the other districts  
6 like right at the same time or like right after, and I think  
7 that probably was distracting enough that the press never  
8 picked it up, because a lot of times, you know, they monitor  
9 the scanners and they will show up at the scenes of things.  
10 And we never had any press.

11 Q Would they have been monitoring the radio when  
12 the notification about the body at Fort Marcy Park--

13 A I didn't put--I didn't put that over the air.

14 Q Were there any press on the scene at Fort Marcy  
15 Park at any time when you were there?

16 A No.

17 Q Okay. You mentioned as you were driving up to  
18 Fort Marcy Park that there was a blue Mercedes at the  
19 entrance. Did someone follow up with that, with the driver  
20 of that car?

21 A Somebody did, but I don't know--

22 Q Do you know if that person had seen or heard

1 anything?

2 A I would imagine that that was followed up by  
3 Detective Markland.

4 Q Okay. But you don't know?

5 A No, I don't. I don't have any personal knowledge  
6 of that.

7 Q Who did you say briefed you when you arrived at  
8 Fort Marcy Park?

9 A Well, initially I went and spoke with Officer  
10 Spetz, and then when we got up to where the body was,  
11 Sergeant Edwards had taken a few Polaroids and he gave those  
12 to us and just, you know, basically told us briefly, you  
13 know, what we had. And then we--I mean we were right there,  
14 so we went and looked ourselves.

15 Q When did you first hear the word suicide in Fort  
16 Marcy Park?

17 A When--when I saw, I guess, Sergeant Edwards.

18 Q Did he say he thought that the death was by  
19 suicide?

20 A I don't recall exactly how he did it, and he did  
21 show the pictures to it that he had snapped.

22 Q Was it your understanding that a determination

---

1 had been made as to the cause of death?

2 A I think we more made that determination. You  
3 know, like I said, when we first got the call, it was for a  
4 dead body. Then I asked if it was natural or of suspicious  
5 nature. And I was told suspicious, so I had them close the  
6 gate.

7 Then once we got there, maybe actually I do  
8 remember speaking to Lieutenant Gavin, so maybe it was  
9 Lieutenant Gavin who might have--it might have been  
10 Lieutenant Gavin then who actually initially explained what  
11 the scene was, because I had some knowledge of it when I  
12 went to speak with the couple and ask them if they had heard  
13 anything or seen anything and ask them about other vehicles  
14 that were in the area.

15 Yeah, I would say it was Lieutenant Gavin,  
16 actually.

17 Q Did Lieutenant Gavin mention anything about  
18 suicide?

19 A I can't recall. I don't--I don't recall if he  
20 did or not or if that was what we--it seems to me that we  
21 had made that determination prior to going up and looking at  
22 the body. But who specifically, I don't remember.



1 Q Would you have made that determination before you  
2 had seen the body?

3 A Not totally. I mean it was confirmed after I got  
4 up and looked at the body and saw the gun.

5 Q But so you think someone suggested to you that it  
6 was suicide before you saw the body?

7 A Right. Yeah.

8 Q So you talked to this couple that was in the park  
9 before you went over to see the body?

10 A Right.

11 Q About how long were you talking to them?

12 A Probably about maybe five, ten minutes.

13 Q What did they tell you?

14 A That they were there having a picnic and that  
15 they had been off on the far side of the parking lot and  
16 slightly down the hill. And other than asking them  
17 questions about the other vehicles, they hadn't heard  
18 anything. They really weren't able to give a whole lot of  
19 information.

20 They described the van that had come in and then  
21 I believe had emptied trash or something, and another car  
22 that came in and had put the hood up like it was

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1 overheating, and they had just, you know, both these  
2 vehicles had subsequently left.

3 Then I think there was one other vehicle with a  
4 male sitting in it who had no shirt on, as I recall. And he  
5 also had left.

6 Q Did they tell you anything that sounded  
7 suspicious?

8 A No, not really. They had indicated that  
9 Mr. Foster's car had been there and that it hadn't--you  
10 know, had not moved. But they really were not aware of  
11 anything going on.

12 Q Do you know if any further conversations were  
13 ever had with those people?

14 A Oh, yeah, I'm sure they were spoken to and  
15 followed up.

16 Q But you didn't--

17 A No, I did not. You know, I just tried to  
18 get--basically when I spoke to them, I wanted to identify  
19 who they were and get just some basic information on what  
20 they had seen, knowing that I would follow up later on or  
21 that someone would follow up.

22 Q But you don't know--

1       A    I don't know for sure. I would suspect that it  
2 was Markland, since he was assigned the case.

3       Q    You mentioned that the access to the park from  
4 the parkway was closed off after your arrival. Did you  
5 order that?

6       A    No. It was closed prior to my arrival. As soon  
7 as I got the call, I told them to send somebody down to  
8 close the gate.

9       Q    Do you know if there are any other ways they  
10 could get access to the park?

11       A    There are no others. There's one way in and one  
12 way out, other than on foot. And it would be very hilly,  
13 steep terrain.

14       Q    But you can enter the park through the Chain  
15 Bridge Road side, can you?

16       A    No.

17       Q    You can't?

18       A    No.

19       Q    Had you been to the park before?

20       A    Yes. It had been a number of years prior when I  
21 was--had just come on the job in field training. I was  
22 assigned to the George Washington Memorial Parkway for three

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1 weeks. So I had been in the park at that time. I had never  
2 been outside of the parking lot. I had not been up to the  
3 cannons.

4       Q    What do you know about the park? Does the park  
5 have any kind of reputation?

6       A    That area not so much as Turkey Run, but that  
7 area is known to be frequented by homosexuals.

8       Q    You said that when you headed over to look at the  
9 scene where the body was found, it was about a quarter of a  
10 mile. Is that right?

11       A    That's what it seems like. It seems like it was  
12 probably a good 200 yards or so.

13       Q    Was it fairly dense foliage--

14       A    No.

15       Q    --on the path?

16       A    Well, there was some trees where you went. The  
17 parking lot was here, and there's like a little path with  
18 some trees. And then you went up and it was like a field,  
19 and you went around and through some more trees and brush.  
20 Not where it was like closed in on you. And another open  
21 area where like the cannons were, and--or the cannon. I,  
22 like I said, I only really recall the one, and I think there

1 was another one off to the side, but I am not positive.

2 And then where Mr. Foster was, it was very dense  
3 there. There was a lot of trees and bushes. And it was a  
4 steep incline, and he was lying, you know, on what was like  
5 a little trail down that incline. And the bushes like  
6 closed over this little path and actually kind of enclosed  
7 Mr. Foster's body.

8 Q Did you have to go around the cannon to get to  
9 the body?

10 A Yeah. I remember going past it. There was a  
11 picnic table there, too.

12 Q Was there anything unique about the cannon, do  
13 you remember?

14 A The cannon?

15 Q How big--

16 A I am not a war historian or anything.

17 Q About how far was the body away from the cannon?

18 A Oh, probably, I'd say, like 20 to 30 feet,  
19 roughly.

20 Q 20 or 30 feet from the cannon?

21 A I think so, yeah.

22 Q You said that the body was on a hill.

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1 A Right.

2 Q And you said it was about a 45-degree incline?

3 A Right.

4 Q About how far from the top of the hill was the  
5 body?

6 A His head was like just below the top. It looked  
7 like he had gone down a little ways and sat and then had  
8 fallen back so his head was like just below the top of it.

9 Q Why did you think that he might have gone down  
10 and sat down?

11 A Just the fact of the way the body ended up. If  
12 he had been standing, there would have been more clothing  
13 disturbed and I think he would have probably slid in a  
14 different way.

15 Q Was there any disturbance in the ground above the  
16 body?

17 A No.

18 Q Did you see any trash or debris around the body  
19 or in the area around the body?

20 A Not that I recall. Like I said, the glasses were  
21 down below him, and it was pretty dense foliage. And I  
22 didn't actually, you know, like I said, I gave direction to

1 Investigator Roelle. I didn't go actually hunting for  
2 anything as far as the crime scene goes because that is ID  
3 Tech Simonello's job.

4 Q You mentioned earlier that you saw Mr. Foster's  
5 glasses.

6 A Right.

7 Q How did you know they were Mr. Foster's glasses?

8 A They matched what was in the picture.

9 Q So you learned they were his glasses later when  
10 you found the ID card?

11 A With their proximity to the body, we assumed that  
12 they were his. But then I saw, with the photos in the car  
13 and I believe his ID also had his--I believe his ID had his  
14 glasses on. I know some of the photos, because it was like  
15 a party or something, and he had glasses on.

16 Q You said you say the body, it had its arms down  
17 when you saw it. Is that right?

18 A Yeah. The arms were down by the side, and the  
19 gun was sitting in his right hand.

20 Q Were the palms up?

21 A Kind of like, as I recall, like this, kind of.

22 Q Can you describe it for the record because the

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1 reporter can't report gestures.

2 A Okay. I'm sorry.

3 They weren't like totally flat. They were kind  
4 of slightly cupped at his sides.

5 Q But you say that the gun was in the right hand.

6 A Right.

7 Q Could you see the gun?

8 A Yeah. I could see it. But I had moved down  
9 close to the body. So, I, you know, looking around the  
10 foliage from the side, I could see the gun.

11 Q Was any part of the gun hidden or not visible  
12 because it was under the body?

13 A I don't recall specifically. Without looking at  
14 a picture, I am not really positive. I just know that his  
15 hand was like--it was sitting in his hand by his side. From  
16 standing above the foliage would slightly obstruct your  
17 view. Moving down closer to the body, the whole gun was  
18 more visible.

19 Q Did anything about the position of the gun strike  
20 you as unusual?

21 A Not really, no.

22 Q Do you know or do you remember what position the

1 head was in when you saw it?

2 A It was kind of straight back with a slight tilt  
3 to the right.

4 Q Did you say that while you were in Fort Marcy  
5 there were no fire or EMS personnel on the scene?

6 A Not when I got there. They--the only ones that I  
7 saw came to take the body to Fairfax Hospital.

8 Q So by the time you saw the body, the EMS or fire  
9 fighters had left the scene?

10 A Uh-huh.

11 Q Did anyone say anything about or did anyone tell  
12 you or brief you on what they had done?

13 A No.

14 Q Did anyone tell you if they had determined that  
15 the person was dead?

16 A No.

17 Q Do you know if anyone ever followed up with the  
18 EMS or fire fighting personnel in terms of taking statements  
19 from them?

20 A I am not aware if they did.

21 Q Would that surprise you if they hadn't been  
22 followed up with?

1 A I don't know, because, like I said, I am not--I  
2 wasn't actually aware until when I spoke to the FBI that  
3 they were there prior.

4 Now, Investigator Hodakievik, who had been on her  
5 way home, had gotten to the scene prior to us. I just  
6 remembered that she was there. And I don't know if she was  
7 aware they were there. I don't recall anybody mentioning to  
8 me that they had been there and left.

9 Q Is it Park Police procedure that a detective--let  
10 me rephrase that.

11 Does a detective often respond directly to a  
12 crime scene or possible crime scene?

13 A Yes.

14 Q Who were the detectives on this scene?

15 A They would be myself, Investigator Roelle,  
16 Investigator Abt.

17 Q Okay. Was it unusual to have so many detectives  
18 at an initial scene?

19 A It's not unusual for like two detectives to go.  
20 The reason that all three of us went was because  
21 Investigator Abt was also new in the office and I thought it  
22 would be good experience for her also.

1 Q So essentially Investigators Abt and Roelle were  
2 there as trainees with you?

3 A Right.

4 Q Is there a difference in rank between an  
5 investigator and a detective?

6 A Yes. The detective is like a paper promotion,  
7 and it's an increase in pay.

8 Q But in terms of activity within an investigation,  
9 how is it different?

10 A There isn't actually a whole lot of differences.  
11 The kind of cases that are assigned is where the differences  
12 occur. Investigators are normally assigned your less  
13 serious crimes against person, your larceny-type crimes,  
14 things like that, whereas your detectives are assigned your  
15 more serious crimes against person and high-value, like  
16 theft kind of crimes.

17 Q So in a case like this one where the call came in  
18 about a death or a dead body being found, would that  
19 automatically have been routed to a detective as opposed to  
20 an investigator?

21 A Not necessarily. For the follow-up, yes. For  
22 the initial, no.

1 Q Did there come a time when you briefed Detective  
2 Markland on what you had done at the scene?

3 A No. Actually I briefed the captain, and then the  
4 captain briefed Markland.

5 Q Do you remember about how long you spoke with  
6 Captain Hume?

7 A Probably close to an hour. Like I said, I left  
8 around 7:00, 7:15, and the captain usually came in about  
9 6:00.

10 Q Going back to the Fort Marcy Park area, when you  
11 were going through the vehicle in the first instance, were  
12 you using gloves?

13 A Yeah.

14 Q Were you doing the inventory of the car as you  
15 were searching the car?

16 A Yes, I was.

17 Q So as you were searching the car, you were also  
18 writing something down?

19 A Yeah. I believe I was. I, you know, like I  
20 said, I haven't reviewed anything and I would have to go  
21 through the case jacket to see if I wrote it on a notepad  
22 and then turned the notes over or what exactly I did.

1 But that would be normal for me to write it down,  
2 you know, like on a notepad. And then on a case like that,  
3 rather than keeping it myself, I would turn those notes over  
4 to them.

5 Q Who would do the inventory of the contents of the  
6 car?

7 A I thought I did. But, yeah, whoever goes through  
8 the car. It wouldn't, you know, it could also be done by  
9 the ID technician who would process the car.

10 Q Did you say you took photographs of the car?

11 A Yes, I did.

12 Q About how many photographs did you take?

13 A I think I took about like between six and eight  
14 Polaroids.

15 Q About how many of the interior and how many of  
16 the exterior?

17 A I think I probably took like four of the interior  
18 and three or four of the exterior, because I remember  
19 opening the doors and taking a shot into the area, standing  
20 like outside the door. And then I took one like of the  
21 front of the car and one of the rear of the car.

22 Q Were these Polaroid pictures?

1 A Yes.

2 Q So they were coming out right as you were--

3 A Right.

4 Q How was the quality of them?

5 A Fair. It was getting dark.

6 Q You were using a flash?

7 A Yeah.

8 Q And was Simonello taking 35-millimeter shots of  
9 the car as well?

10 A I thought he was, but I am not positive.

11 Q Did you ever know what happened to the  
12 photographs you took of the car?

13 A Yeah. They were included in the case jacket.  
14 And I believe they were at one point turned over to the FBI,  
15 and they enhanced them. I think they enhanced them or they  
16 blew them up.

17 The 35-millimeters, I know that Simonello took  
18 were underexposed or something. They was something wrong  
19 with them. And I know the FBI worked with those to try to  
20 increase their clarity.

21 Q Were you shown pictures when you met with the  
22 FBI?

1 A Yes, I was.

2 Q Can you describe the pictures yourself, the  
3 Polaroid pictures you were shown?

4 A Yeah. I was shown pictures of the body on--at  
5 the scene. And I was shown--I think I was shown copies of  
6 the Polaroids of the car.

7 Q Do you recall having seen the pictures of the  
8 body before?

9 A Well, just the Polaroids that we had taken at the  
10 scene.

11 Q Did you look at the Polaroids as they were being  
12 taken at the scene?

13 A uh-huh.

14 Q And did the pictures the FBI showed you appear to  
15 be the same pictures?

16 A Yes, they were.

17 Q And do you remember how many photographs you were  
18 shown by the FBI?

19 A Not really. I think I was shown one or two,  
20 maybe three, because they had some closeups of the blood  
21 area of the body, and then I was shown the actual copies of  
22 the Polaroids that I had taken of the car.

1 Q Were they good copies?

2 A Yeah. Yeah. They have--Polaroid actually sells  
3 a camera that you can lay down over top of a photograph and  
4 it will duplicate the picture.

5 Q Did you see any aerial photographs when you were  
6 with the FBI?

7 A No, I don't recall seeing any.

8 Q Back to your search of the car. Were any other  
9 Park Police personnel involved in the search of the car?

10 A No.

11 Q Did any other Park Police personnel touch or  
12 otherwise either the car itself or any of its contents?

13 A No, not--not at the scene. I went through the  
14 car and then--now, you know, once it was moved to our lot,  
15 if somebody else went through after that, I don't know.  
16 They may have had the ID tech go through the next day. Like  
17 I said, I had gone home, so I am not aware.

18 Q Simonello didn't touch anything in the car or the  
19 car?

20 A Not that I am aware of, no.

21 Q Was he wearing gloves?

22 A Yeah. Pete usually wears gloves at the crime



1 scenes.

2 Q You mentioned that you asked someone to notify  
3 Lieutenant Gavin?

4 A Right.

5 Q Who do you remember you asked?

6 A I believe it was Officer Watson. And he had been  
7 up there, he had stopped by. He had an intern, and asked  
8 permission. I escorted him up to see the scene. And then  
9 they left, came down with me when I went through the car and  
10 left shortly after that.

11 Q You mentioned that you found some pictures in the  
12 car.

13 A Right.

14 Q Were those prints then?

15 A Right.

16 Q Can you describe them, tell me how many, what  
17 they were of?

18 A It was like a, you know, what would come from a  
19 roll of film, probably, you know, like 24 photos. And they  
20 were of some kind of like a party. I don't--you know.

21 Q Did you recognize any of the people in the--

22 A Mr. Foster and then I believe, you know, after

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1 seeing his daughter, I believe his daughter was in the  
2 photos, and his wife, and I don't recall, you know, who all  
3 else. But they were like--it was like a family party.

4 Q Do you recall were the pictures just in the glove  
5 compartment, or were they like in a little package that  
6 pictures often come in?

7 A I think they were in an envelope, in like a  
8 regular mail envelope. And I am not positive of that, but  
9 they were either in a regular photo envelope or a mail  
10 envelope. And they may have been actually, because Hondas  
11 have those pockets in the doors, it may actually have been  
12 in the pocket of the door rather than in the glovebox.

13 Q Was there any writing on any of the back of the  
14 photographs?

15 A Not that I recall.

16 Q Do you remember seeing a date? Sometimes  
17 photographs are dated on the back.

18 A No, I don't remember.

19 Q Were the photographs included in the inventory of  
20 the car?

21 A I believe they were.

22 Q And do you know what would happen to those

1 photographs?

2 A I would--I don't know, because everything I left  
3 in the car. I didn't remove anything from the car. And the  
4 car was taken, you know, and hauled down to the lot. So  
5 actually I may not have even--to tell you the truth, I may  
6 have jotted down things or at least I am remembering what I  
7 had and somebody else may have actually done, like one of  
8 the ID techs might have done the inventory at a later time.

9 Q After the car was taken?

10 A Right. Yeah, because I left everything in the  
11 car.

12 Q Did you look at every one of the photographs or  
13 did you just shuffle through them?

14 A Just shuffled through.

15 Q Did you--

16 A Because I remember thinking, "Well, these were  
17 happier times," you know. But that was it.

18 Q You didn't recognize any famous figures in the  
19 photos, did you?

20 A No.

21 Q You said there were a number of papers that you  
22 found in the trunk of the car. Did you look at every piece

---

1 of paper?

2 A Yeah. I skimmed through the notebooks.  
3 Basically I was looking for, you know, a suicide note. And  
4 so I didn't want to leave anything, you know, unturned. So  
5 I kind of skimmed through. I didn't really like in-depth  
6 read everything. But it was mainly like school notes from  
7 classes.

8 Q Did you notice any piece of paper that might have  
9 been related to Mr. Foster's work or Mr. Foster's job?

10 A No. No. There was nothing of that nature in the  
11 vehicle.

12 Q Did you--

13 A That's what I was looking--I was looking for a  
14 briefcase to be in the vehicle. And there wasn't.

15 Q Did you--I know you said you looked inside the  
16 green-and-white-striped bag--did you shake it out to make  
17 sure you had seen everything inside of it?

18 A Yeah. Yeah. It was--

19 Q It was empty?

20 A It was empty. After I removed the beer bottles,  
21 it was empty.

22 Q Do you recall looking at the area of the map that

1 was in the car?

2 A Yeah. And it seems to me, you know, and without  
3 looking at one of those photos to be sure, it was like a  
4 generalized map of the Washington metropolitan area with the  
5 beltways.

6 Q Did it include the area where Fort Marcy Park is  
7 located?

8 A Well, that would be in the area of the beltways.  
9 But I don't remember any kind of marks or notations on the  
10 map.

11 Q No ink marks or anything?

12 A Right.

13 Q Where exactly was the map located in the car?

14 A It was on the front passenger floorboard.

15 Q And you say it was folded, it was folded open to  
16 the--

17 A It was--yeah. I mean folded in a square like one  
18 by one, and it was sitting right there on the floorboard.

19 Q You mentioned the 100-page.

20 A Right.

21 Q Could you explain that to me? I don't quite  
22 understand what that is.

1 A Okay. That's the notification for our force  
2 officials. It's notification to our officials on our job  
3 who are majors and above, and to let them know that  
4 something substantial has occurred. They can be done for  
5 like the serious injury of an officer or a shooting  
6 incident, something like this that is going to attract media  
7 attention, things like that.

8 Q How do you know that Lieutenant Gavin notified  
9 the Secret Service?

10 A He told me he did.

11 Q How many notifications to families have you done  
12 in death investigations?

13 A Probably--this is good, I can count them--  
14 probably about five or six.

15 Q What are you usually trying to accomplish in a  
16 notification? What kind of information are you trying to  
17 obtain?

18 A Well, in this case, we were--in a suicide you try  
19 to determine if there was any history of depression or past  
20 suicide attempts or marital problems or, you know, anything  
21 that would lead this person to commit suicide.

22 As far as with a motor vehicle fatality, which is

1 he majority that I had done, basically it's just to kind of  
2 let the family know in person on one on one so that they  
3 don't end up seeing it on the news. It's not so much to  
4 kind of gather information unless for some reason we  
5 determine with this fatality that it's a suicide, you know,  
6 like if for some reason I see one car into a tree and  
7 there's no evidence of skid marks or somebody trying to  
8 evade the tree, then I might say, "Hey, well, this isn't  
9 your normal fatality, this is a suicide," you know, and then  
10 you would want to find out from that family if there was any  
11 history, if there was any problems.

12 Q Did you have any doubts that this case was a  
13 suicide when you left Fort Marcy Park?

14 A No.

15 Q Did you talk with Investigator Roelle about what  
16 you were going to do at the notification on the way there?

17 A Briefly, yeah. That he would make--you know, I  
18 would allow--I wanted him to do the notification so he had  
19 the experience of doing that. And just, you know, briefly  
20 on trying to find out what information we could as far as if  
21 he was depressed, if he was under any medication, things  
22 like that. Of course, we didn't have much luck.

1 Q Do you know if Investigator Roelle had ever done  
2 a notification before?

3 A That was his first.

4 Q Do you remember the conversations with  
5 Mr. Kennedy and Mr. Livingston and, I guess, with  
6 Mr. Watkins in the car?

7 A Right.

8 Q Did you talk about the case at all?

9 A No. Basically, with Mr. Watkins, it was a matter  
10 of his requesting to go with us and us agreeing and getting  
11 directions. And then we weren't on the phone with, I should  
12 say Investigator Roelle wasn't on the phone because I was  
13 driving. He was on the phone with Mr. Kennedy very long.  
14 We agreed to allow them to go identify the body because that  
15 way we wouldn't have to have Mrs. Foster do it.

16 And we then called the hospital to make the  
17 arrangements for them to escort and allow Mr. Kennedy and  
18 Livingston in to see the body.

19 Q Why was there a need to have the body identified  
20 if you had found his White House ID at the scene?

21 A We didn't really feel a big need. We were  
22 certain on who it was, but they wanted that, so we agreed to

1 allow it.

2 Q Did one of your superior officers order you to  
3 permit that?

4 A No. No. I allowed it.

5 Q Did you find anything unusual about the request?

6 A No. It's not unusual in a case of a sudden death  
7 like that for people to question whether it's actually the  
8 individual. And that way we have confirmation. So I didn't  
9 see a problem with it.

10 Q You mentioned when you arrived at the Foster home  
11 that there was an entourage there.

12 A Right.

13 Q Could you tell me exactly where were they? Where  
14 were the people who were at the house?

15 A Okay. We--you mean once we were in the house?

16 Q No, I mean physically outside the house as you  
17 arrived.

18 A Okay.

19 Q In your car.

20 A We had come and we ended up finding a parking  
21 spot. It's a very crowded neighborhood in Georgetown. We  
22 ended up finding a parking spot all the way down. This is

---

1 going to be hard to describe. But Mr. Foster's house is  
2 probably like a third of the way down the block, and we  
3 ended up parking all the way the other end of the block.

4 Q You overshot the house?

5 A Right. Yeah. There was just no parking close  
6 by. So we ended up going down to the end of the street and  
7 then walking up.

8 And as we were walking up to the house, we saw  
9 another vehicle park on the same side of the street as  
10 Mr. Foster's house at the other end. And as we were going  
11 through the gate, they were moving down the street toward  
12 us.

13 Q Who was in that group?

14 A Webster Hubbell, Sheila Anthony. Like I said, I  
15 believe it was one of Mr. Foster's other sisters, although I  
16 don't recall what her name was. Of course, David Watkins  
17 was with us. And Mrs. Watkins arrived there too. And I  
18 don't recall who else was there. But there was actually one  
19 or two other people in addition to the ones that I  
20 mentioned.

21 Q Did you know who any of those people were when  
22 you saw them?

1 A No.

2 Q When did you learn their identities?

3 A No, actually I wasn't even sure who Webster  
4 Hubbell was until he was just recently--well, actually I  
5 probably found out prior to that from the news, but I just  
6 remember when he was just made to resign recently. I was  
7 thinking, "Well, that was the fellow who shoved me out of  
8 the way," because we, John and I, had called him the "big  
9 bubba." So it's not very professional, but it's kind of  
10 like a way of keeping track of people you don't know.

11 So, really, other than the fact that they  
12 identified themselves as being next of kin and White House  
13 staff--

14 Q They introduced themselves to you and--

15 A Yeah. They introduced themselves to us.

16 Q Did they ask any questions?

17 A No, they didn't. No. Everybody was kind of like  
18 milling around and, you know, like I said, the phone was  
19 ringing off the hook and--

20 Q I want to get inside now. I want you to explain  
21 to me the scene--

22 A All right.

1 Q --getting into the house.

2 A Okay. All right. I'm sorry.

3 As we were coming in the door, they were right up  
4 the stairs behind us.

5 Q Okay.

6 A And I remember like standing in the door trying  
7 to keep them on the stairs while John went in to talk to  
8 Lisa Foster to let her know.

9 Q Were you having conversations with them while you  
10 were trying to keep them there?

11 A No. I was kind of standing just in the door, and  
12 I think David Watkins was standing behind me on the steps  
13 and telling them to just wait for a second.

14 Q And about how long was it--well, why did you want  
15 them to stay outside?

16 A Well, it's just I felt that it would be  
17 distracting to have--and also kind of--I am trying to find a  
18 word--threatening to Mrs. Foster for all these other people  
19 to know prior to her knowing. And I felt like it would be  
20 easier if we could just let her know and then have--I mean  
21 since they were there, let them come in and, you know, help  
22 soothe and calm the situation, which didn't happen.

1 Q Did you think it might be disruptive to the kind  
2 of questioning you wanted to have with Mrs. Foster?

3 A I didn't initially, and it ended up being, you  
4 know.

5 Q Did you feel you were in a position to order them  
6 to stay outside?

7 A No, I really didn't.

8 Q Did you feel that you were in control of the  
9 situation at that point?

10 A No. To be perfectly honest, I don't.

11 Q How important is it to be in control of a  
12 situation like a notification?

13 A I kind of--the way I felt about it was that at  
14 that point, especially with her being hysterical, we weren't  
15 going to get a lot of information and that we would follow  
16 up on it and get more information later on.

17 It's not as crucial, you know, to get all the  
18 information that first night. It doesn't have to be all  
19 done, you know, in one night, and you can do follow-up  
20 interviews with people. And that's what I figured we would  
21 do.

22 Q Generally, how soon or when do you do follow-up

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1 interviews with people after you have made a notification in  
2 a death case?

3 A Usually, you know, like you would set up an  
4 appointment to do it like the following day or maybe a day  
5 after.

6 Now, in this situation, the family wanted to take  
7 the body immediately back to Arkansas, and that's why  
8 everything was kind of rushed. The autopsy was pushed up  
9 for that reason and everything else.

10 Q Did anyone tell you that the body was going to be  
11 taken back to Arkansas, while you were at the notification?

12 A No.

13 Q Do you remember trying to make an appointment  
14 with Lisa Foster or any other family members to talk to them  
15 at a later time?

16 A No. Not really that night. We hadn't gotten to  
17 that point, and then the President arrived, and at that  
18 point we weren't able to have any conversation with anybody.

19 Q Do you recall telling Investigator Roelle that he  
20 should try to interview or talk with Mrs. Foster the next  
21 day?

22 A Well, we--I mean I knew that at that point the

1 case would be reassigned. So I let the captain know that  
2 morning when I briefed him what still needed to be done.

3 Q Did you tell him specifically that Mrs. Foster  
4 needed to be interviewed?

5 A Yeah. Yeah.

6 Q And do you know if she was interviewed the next  
7 day?

8 A I don't know, really. You know, all I know for  
9 sure is that the autopsy was moved up and that was it.

10 Q Do you know if any of the Foster family has been  
11 interviewed?

12 A I believe that Sheila Anthony was, and I think  
13 the other sister was. Now, whether anybody ever got to talk  
14 to Lisa Foster again from our office I don't know.

15 Q Let me go back to the notification when  
16 Investigator Roelle told Mrs. Foster about the death.

17 Did you hear everything that Lisa Foster said in  
18 response to that?

19 A I was standing not that far away, so I heard the  
20 majority of it, and I don't recall the content of all of it.

21 Q You said that you thought--or you said that  
22 Mrs. Foster asked Investigator Roelle whether her husband

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1 had killed himself with a gun.

2 A Right.

3 Q Did that strike you as somewhat unusual?

4 A Yes. As a matter of fact, John and I commented  
5 on it on the way back to the office when we left the  
6 residence.

7 Q What did you say?

8 A Well, it kind of indicated to us that it really  
9 wasn't as big a surprise, that she had in fact kind of been  
10 aware that there was a problem. And I, you know, that was  
11 just our main discussion that the specific content of her  
12 question being directed toward a gun.

13 Q I mean did you have the sense, based on her  
14 comments, that she might have suspected that her husband was  
15 suicidal?

16 A Uh-huh.

17 Q Is that the kind of thing you would have wanted  
18 to follow up with her--

19 A Yes.

20 Q --in an interview?

21 A I believed that--I think Detective Markland had  
22 told me that when they were at the White House, he got to



1 speak briefly with Mr. Foster's secretary, and she had  
2 indicated that Lisa Foster and one of his sons, I believe,  
3 had been regularly checking on Mr. Foster to see how he was  
4 doing.

5 Q Did anyone at the house when you were doing the  
6 notification indicate that Mr. Foster might have had  
7 suicidal feelings or might want to take his life?

8 A No. When we spoke to Mr. Watkins and some of the  
9 other people at the notification, they all seemed very  
10 surprised by this. They kind of indicated that they didn't  
11 think that there was anything wrong.

12 Q Did anyone ever mention depression?

13 A No. No.

14 Q Who did you speak to specifically?

15 A Well, Mr. Watkins, on the way, when we picked him  
16 up on the way to the Foster house in the car, we had asked  
17 him if he had noticed anything, was there anything that was  
18 bothering Mr. Foster. And he kind of indicated that the  
19 only thing that he knew that Mr. Foster was troubled over  
20 was the firings of the travel employees. And that was the  
21 only thing that he could, you know, even remotely clue us in  
22 on.

1 And then I, like I said, that was when Webster  
2 Hubbell pushed me out of the way. I was talking, I think it  
3 was to Sheila Anthony, but I am not really positive. And I  
4 was trying to ask her that same question, what, if anything,  
5 was bothering Mr. Foster. And that was when I got pushed  
6 out of the way.

7 Q Do you think Mr. Hubbell--I mean do you know why  
8 he pushed you out of the way?

9 A I really don't know. I don't know the man, I  
10 never had met him before that. I didn't know if he was just  
11 being overly protective or, you know--because I had the  
12 impression this was his wife. And I don't know whether he  
13 was being overly protective of her and he felt like I was in  
14 a time of grief putting too much pressure on her or what.

15 So I was going--I tried to lay back for a little  
16 while and I was going to reapproach her later when he was  
17 out of the way.

18 Q So you think he pushed you aside because he  
19 wanted to stop you from having further conversations with  
20 her?

21 A I kind of got that impression, but I am not  
22 saying that it was because he was trying to hide anything.

1 It was more, you know--I don't know, because I didn't know  
2 any of this stuff was going on at the time. So I kind of  
3 looked at it as kind of grief and misunderstanding about  
4 what I was trying to do.

5 Q When you say "this stuff," what do you mean?

6 A Well, like the travel stuff and, I mean, other  
7 than Mr. Watkins telling us about the travel incident on the  
8 way in, I had no knowledge of that prior to that.

9 Q Would you say that Sheila Anthony was being  
10 cooperative in trying to talk to you?

11 A Yeah.

12 Q Did she mention anything to you about depression  
13 or reasons why Mr. Foster might want to take his life?

14 A I never got that far with her.

15 Q So did you get--

16 A I had just started to talk to her, and he came  
17 over, kind of shoved me out of the way, and then like took  
18 her into his arms. And I got no indication from her that  
19 she was upset by speaking to me.

20 Q Did you try to speak to her again that evening?

21 A I never got the opportunity.

22 Q Did you have any other specific conversations

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1 with anyone else who might have been present?

2 A I, like I said, I tried to talk to Laura. I was  
3 trying to build rapport with her. And it was about that  
4 time when the President arrived.

5 Q What was Laura Foster's state of mind or demeanor  
6 at that point?

7 A She was upset. She was crying. I was trying to  
8 comfort her and trying to, you know, work into asking  
9 questions.

10 Q Were you in uniform when you were at the  
11 notification?

12 A No. No. We were plainclothes. I was wearing a  
13 suit, and so was Detective Roelle--or Investigator Roelle.

14 Q Was it clear to the assembled group that you were  
15 from the U.S. Park Police?

16 A Yes. We showed identification.

17 Q Did anyone ever ask you specifically to show them  
18 your identification?

19 A No. I mean we showed it to Laura when she  
20 answered the door, and to Mrs. Foster, but other--

21 Q All right. As police officers, do you ordinarily  
22 expect to get cooperation--

1 A Yes.

2 Q --in the course of an investigation?

3 A Yes.

4 Q Did you feel that you were shown cooperation in  
5 this situation?

6 A I want to say "no," but I feel like it was an  
7 extraordinary situation in the fact of who the person was  
8 and in the fact that we were dealing with the White House.

9 Q Does the fact of who the person was and that you  
10 were dealing with the White House change the kind of  
11 investigation the Park Police would do?

12 A No.

13 Q So what do you mean by the fact that it was  
14 extraordinary?

15 A Well, in a normal investigation you don't have  
16 all these other people there and saying that, well, you  
17 know, like the White House, you can't just go walk into the  
18 White House. That changes how you're going to do your  
19 investigation. We had to have appointments, you know. They  
20 had to set up appointments to go to the White House, things  
21 like that.

22 So, that is where it would not be like a normal,

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1 you know, investigation, whereas somebody else, if it was  
2 John Smith who had killed himself at Fort Marcy, we would  
3 have gone and we would have spoke to Mrs. Smith and, you  
4 know, we would have given her the time to calm down, ask her  
5 the questions we needed. If we felt like we needed to go  
6 back for a follow-up, we would have made an appointment.

7 We wouldn't have the President come knocking on  
8 the door to comfort Mrs. Smith while we were there.

9 So that is what I mean when I say "no."

10 Q So this was not an ordinary investigation?

11 A Right.

12 Q But is it your view that because of the  
13 individuals involved and the fact that the White House was  
14 involved that Park Police procedures would have to be  
15 modified or changed?

16 A Yes.

17 Q How did you feel about that?

18 A Like I said before, I kind of have adapted in  
19 this job. You learn to go with the flow. No two situations  
20 are always exactly alike. And so you learn to adapt to do  
21 what you need to do to get the information.

22 Q Have you ever been involved in a death

1 investigation involving a high government employee?

2 A No.

3 Q Have you ever been pushed out of the way in the  
4 course of trying to talk to a witness as part of your job?

5 A No.

6 Q Do you think that Mr. Hubbell knew that you were  
7 a Park Police officer?

8 A Well, I assumed he did.

9 Q But you had never showed him your badge directly?

10 A No. And he never asked to see it.

11 Q You had mentioned earlier in response to some  
12 questions that other White House officials or officials from  
13 the White House counsel's office were arriving.

14 A Uh-huh.

15 Q Do you remember when they arrived?

16 A They all got there in that same group.

17 Q That's who you are referring to--

18 A Right.

19 Q --when you're talking about the people?

20 A Right.

21 Q Okay.

22 Did you identify yourselves to the President of

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1 the United States when he came in?

2 A No.

3 Q Could you hear the conversation that the  
4 President was having with Mrs. Foster and Laura Foster?

5 A Yeah. He was basically consoling them. It  
6 was--they were crying, and he had, you know, his arms over  
7 their shoulders and he was consoling them.

8 Q Do you recall if the President had anything to  
9 say about why Mr. Foster might have wanted to take his life?

10 A No. And we didn't attempt to ask him.

11 Q You said that the phone was ringing a lot--

12 A Right.

13 Q --while you were there. Did you know or did you  
14 ever learn who was calling the house?

15 A From the little bits of conversation that I got,  
16 I was under the impression that it was like Kennedy and  
17 Livingston and other people from the White House.

18 Q Do you know if any calls were made from the house  
19 to the outside?

20 A Yeah. A few were made. The two boys were not  
21 home, and I know that bothered Mrs. Foster, and she was  
22 trying to find out, you know, she wanted somebody to try to

1 find them. And I don't know if that was part of the phone  
2 calls, but there were phone calls made out, and it seems to  
3 me I think David Watkins had one of those portable phones.

4 Q When you say you were trying to build a rapport  
5 with Laura Foster, what does that mean?

6 A I was trying to comfort her and get her to the  
7 point where she could speak easily to me without crying and  
8 to be cognizant of what I was asking her.

9 Q Did you think she was aware of what you were  
10 asking her?

11 A We were getting to that point.

12 Q Were you interrupted?

13 A Yeah. That was when the President arrived.

14 Q And she immediately left you?

15 A Uh-huh.

16 Q Did she say anything to you that might have  
17 indicated that her father had suicidal tendencies?

18 A I had not even gotten to broach that.

19 Q How long was the President in the house?

20 A Well, he was there for about ten, 15 minutes when  
21 I said to Investigator Roelle, "I think this kind of  
22 concludes what we are going to be able to accomplish here."

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1 And so we left.

2 Q What were you hoping to accomplish?

3 A Well, to find some background on Mr. Foster.

4 Q Did you ever find out whether he had an office in  
5 the home?

6 A No.

7 Q Did you find out whether he had any business or  
8 work papers at home?

9 A No.

10 Q Did you find anything out about his ordinary  
11 daily routine?

12 A No.

13 Q Did you find out about whether the family was  
14 experiencing any financial problems?

15 A No. No. We really--the only thing of  
16 significance, you know, that we got out of that was  
17 Mrs. Foster's question about did he kill himself with a gun  
18 and what, you know, when she asked about what the gun looked  
19 like.

20 Q What kinds of questions would you have asked  
21 Mrs. Foster had you had an opportunity to speak with her at  
22 the notification?

1       A     I would have--I would have asked her about  
2 Mr. Foster's mental state, was he seeing a doctor or was he  
3 under the care of a doctor, was he taking any kind of  
4 medications, had he had any history, family history of  
5 suicide or depression, you know, what were--were they having  
6 any problems in their daily life; those kinds of questions.

7       Q     Were you made to feel uncomfortable in the Foster  
8 house?

9       A     Yeah. Yeah. I think just by the fact that it  
10 became very chaotic and unorganized, and there were a lot of  
11 people there who I did not expect to be there and was not  
12 prepared to deal with.

13       Q     Earlier you had testified something to the effect  
14 that it appeared to us that she had seen the gun before. Do  
15 you recall?

16       A     Yeah.

17       Q     What did you mean by that?

18       A     Just by the fact that she asked questions, she  
19 started asking questions about what the gun looked like, to  
20 me kind of seemed like she had at some point seen a gun in  
21 the past. That's all.

22       Q     Because she was talking about specific details?

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1       A     Yeah. Yeah.

2       Q     If you had had an opportunity to talk to  
3 Mrs. Foster, would you have asked her about the status of  
4 their marriage?

5       A     Uh-huh.

6       Q     Would you have asked about their sex life?

7       A     If I felt it was necessary, yeah.

8       Q     Did the fact that Mr. Foster's body had been  
9 found in Fort Marcy Park, would that location have caused  
10 you to ask her specific or different questions?

11       A     Not so much with it being Fort Marcy. I don't  
12 know. I, you know, not having really got to sit down and  
13 talk with her. But Fort Marcy isn't as much of a homosexual  
14 hangout as like Turkey Run is or, you know, other areas that  
15 are, you know, known homosexual hangouts. So I wasn't  
16 thinking along, you know, those kind of lines, really.

17       Q     Would you have asked her whether her husband was  
18 under pressure at the office?

19       A     Yes. Definitely. Especially with the fact that  
20 he worked at the White House.

21       Q     Who seemed to be in charge, if anyone, at the  
22 house during the notification?

1       A    I guess kind of David Watkins was like the  
2 organizer, but--or he was who I kept relying on to, you  
3 know, like seal off the White House office and--because I  
4 specifically asked him to have that done. He was the person  
5 that I was interfacing with the most.

6           Other than that, really nobody was in charge.

7       Q    Did you specifically ask Watkins about sealing  
8 the office--

9       A    Yes.

10      Q    --at the notification?

11      A    Yes.

12      Q    Why did you want the office sealed?

13      A    In case there was a suicide note or something  
14 there that would indicate to us why Mr. Foster took his  
15 life.

16      Q    Why would you think there might be a suicide note  
17 at the office as opposed to the home?

18      A    Everybody's different, and maybe he, you know,  
19 thought--you know, people do different things. Sometimes  
20 people don't leave a suicide note. It's not cut in stone  
21 that everybody leaves a suicide note.

22           And some people, based on, you know, their

1 organizational skills, might feel like, you know, it would  
2 be better placed at the office rather than at home, you  
3 know.

4       Q    What was his response to your request that the  
5 office be sealed?

6       A    He said that he would have that done.

7       Q    He said that at the notification?

8       A    Uh-huh. Yeah.

9       Q    And how did you follow up on that?

10      A    I passed that information on to the captain--

11      Q    Did you ever look--

12      A    --the following morning.

13      Q    Did you ever come to learn that the office hadn't  
14 been secured?

15      A    Yes.

16      Q    When did you learn that?

17      A    I guess a day or two later. A couple of days  
18 later.

19      Q    What was your reaction to that?

20      A    I was kind of annoyed, but I wasn't totally  
21 surprised.

22      Q    Why not?

1 A With it, there's just so much going on.

2 I don't know.

3 I kind of guess I figured with it being the  
4 White--again, the White House and they have their daily  
5 routine, and if there are things they are going to need in  
6 that office, they're going to go in that office.

7 Q Does the fact that it's the White House mean that  
8 your ordinary procedures in an investigation into a death  
9 would be abrogated?

10 A No.

11 I mean I would have hoped that they would have  
12 done what I had requested.

13 And probably, you know, hindsight is 20-20.

14 If I was to do it again, I would have tried to  
15 get a hold of an official from the Secret Service to insure  
16 that it was done.

17 Q At the time you were at the notification at the  
18 house, were you still working this investigation as a  
19 suspicious case?

20 A I was working it as a suicide. Not--

21 Q Is that different than working it--earlier I  
22 asked if it was suspicious because earlier--

1 A Right.

2 Q --in response to Mr. Ivey you mentioned the  
3 difference between a natural and a suspicious death case.

4 A Right. Right.

5 Well, you know, like I said, when I did that, I  
6 wanted to determine whether we needed to set up a crime  
7 scene or not and--because with a natural death you really  
8 don't need a crime scene per se.

9 So that's what I mean by suspicious.

10 Once we determined that it was a suicide, we were  
11 looking for the reasons as to why it was a suicide, not, you  
12 know, what was necessarily suspicious about it.

13 Q You said that you had requested the office be  
14 sealed.

15 What would you be looking for in the office had  
16 you had a chance to investigate it?

17 A We would have been looking for a suicide not or  
18 some kind of indication either through like his calendar for  
19 doctors appointments, things like that that would indicate  
20 why he would have committed suicide.

21 Q Did you look for any of those things in the  
22 house?



1 A No.

2 We didn't.

3 Q Did anyone ask whether there was a gun in the  
4 house?

5 A Yeah. I believe Investigator Rolla asked that  
6 question.

7 Q Do you know what the answer was?

8 A Yeah.

9 I think he was told "no."

10 Q Did you or Investigator Rolla let the people of  
11 the house know that you would be in contact with them?

12 A Yes.

13 Q Did they appear to respond well to that?

14 A Uh-huh.

15 Q Do you know whether all the people who were at  
16 the notification were subsequently contacted?

17 A I believe they were, but I am not positive.

18 Like I say, I didn't have any participation in  
19 that part of the investigation.

20 Q Did you specifically ask Mr. Watkins to help you  
21 to get information during the notification?

22 A He was kind of there as like liaison, and that's

1 how I was using him.

2 Q When you use the word liaison, had your superior  
3 officers told you to use him as a liaison?

4 A No.

5 At that point, you know, other than the 100-page  
6 going out and not knowing who received it, I don't think any  
7 of my officials really, other than Lieutenant Gavin, were  
8 aware.

9 Q Why didn't you include references to your  
10 conversations with Mr. Watkins in your report?

11 A I don't--I guess at the time I didn't think they  
12 were relevant.

13 I didn't realize the extent of chaos or inquiry  
14 that Mr. Foster's death would cause.

15 Q Well, did you realize that this was going to be a  
16 significant case when you arrived at the house and saw the  
17 entourage?

18 A Yeah.

19 Yeah, I did.

20 You know, at that point, when we did the reports,  
21 I typed out, you know, what I felt was necessary, and I  
22 don't, you know, it was getting late and I don't--

1 Q Sure.

2 A You know, I did not, of course, type out  
3 everything.

4 Q Why didn't you mention that the President of the  
5 United States had been on the scene?

6 A I didn't feel like it was necessary in the  
7 investigative reports.

8 Q What about the statements that Lisa Foster made  
9 about the gun?

10 A Investigator Rolla was the one who was  
11 speaking to her, so he would--I thought he would have noted  
12 that.

13 Q Do you know whether he did?

14 A I don't--no, I don't.

15 Q Did you conclude your report on that night before  
16 you ended your shift?

17 A Uh-huh.

18 Q Did anyone review your report before you filed  
19 it?

20 A Well, it was turned over to the captain the  
21 following morning.

22 Q Did anyone ever ask you to change any part of

1 it?

2 A No.

3 Q When you returned to headquarters that  
4 night, did you feel that you had additional leads or  
5 issues or questions in this case that you wanted to follow  
6 up on?

7 A Yes.

8 We needed to follow up on, you know, what would  
9 have caused this person to take his life.

10 You know, we were certain that we had a suicide,  
11 but we needed to determine why.

12 Q In what time frame would you have expected that  
13 follow-up to be done?

14 A I would think in the next couple of weeks.

15 Q You said that you were assigned to another matter  
16 on that same night.

17 Is that right?

18 A I wasn't, no.

19 Investigator Abt was.

20 Q Okay.

21 Did you write down in your report or anywhere  
22 else the additional follow-up you thought needed to be done

1 in this case?

2 A No.

3 I verbally told the captain the following  
4 morning.

5 And I figured I would still have some involvement  
6 with it afterwards, and I did not.

7 Q Did you request to have any involvement in it?

8 A No.

9 They told me they wanted to have Detective  
10 Markland and the captain handle it, due to the fact that we  
11 were interfacing with high-ranking officials at the White  
12 House and the fact that I was going to be leaving the office.  
13 So I respected their wishes.

14 Q Who asked you not to issue your press release?

15 A I believe it was David Watkins.

16 That he spoke, you know, through the family and  
17 asked that we not do the press release until they could make  
18 an in-person notification to Mr. Foster's mother.

19 Q So did you expect Mr. Watkins to call you and  
20 tell you when that notification had been made?

21 A Right.

22 Yeah.

1 I was going to speak with him the following day.

2 Q But then the press release was issued anyway?

3 A Right.

4 Q Did you ever have another conversation with  
5 Mr. Watkins?

6 A No.

7 As I said, I attempted to page him, and he never  
8 returned my page.

9 Q Earlier today you said that a detective is  
10 usually assigned in a major crime like a homicide or a  
11 rape.

12 A Uh-huh.

13 Q As opposed to simply an investigator.

14 A Right.

15 Q Is that true in a suicide case as well?

16 A I know of one other suicide case, and I know it  
17 was a detective that was assigned to it.

18 I can't answer that concretely regarding all the  
19 suicides that have been in the office prior to that.

20 I had just said that you all know I had only been  
21 in that office about a little over a year, a year and six  
22 months or so.

1 Q Was Detective Markland the only experienced or  
2 significantly experienced detective in the office at the  
3 time?

4 A No.

5 There were others.

6 I have mentioned Detective Rayfield earlier, and  
7 there were other detectives.

8 Why Detective Markland was chosen I don't know.

9 Q Do you know which investigator was assigned to  
10 work with Detective Markland on the case?

11 A I believe Investigator Rolla continued to assist  
12 with the follow-up.

13 Like I said, I know Investigator Morrisette went  
14 to the autopsy.

15 And I think those were the only two others.

16 I think Investigator Rolla would be the only one  
17 who really assisted.

18 Q Yes.

19 Are you aware of the fact that Captain Hume  
20 worked in this case as a co-detective with Detective  
21 Markland?

22 A I am not surprised.

1 The captain is a micromanager and--

2 Q What do you mean by micromanager?

3 A He likes to oversee everything, and he would  
4 often speak to people in the office about their cases and  
5 the progress they were making, not always to be as involved  
6 as he was in this case.

7 So when he said that he felt like the fact that  
8 they needed a higher-ranking official since we're dealing  
9 with the White House, I was not, you know, like overly  
10 surprised.

11 Q Was Captain Hume's involvement purely because  
12 there was a need to deal with the White House?

13 A Yes.

14 Q Are you aware of any case in which Captain Hume  
15 has worked with a detective, worked with a detective where  
16 there is no crime involved?

17 A No.

18 I am not aware.

19 Q Okay.

20 Are you aware whether Captain Hume has worked on  
21 any other suicide cases in the office before?

22 A No.

1 Q When did you first learn about the scheduling of  
2 the autopsy that night?

3 A Later that afternoon, probably around noon, I  
4 guess.

5 I didn't want to go home and go to bed, so I kind  
6 of dozed on the couch.

7 Q Where?

8 A At my home.

9 Q Okay.

10 A I didn't want to totally throw my body out of  
11 whack and I wanted to be able to sleep that night.

12 So consequently I didn't want to go home and  
13 sleep.

14 So I tried to stay awake, and I piddled around  
15 the house and did things.

16 And like I said, Mr. Foster's face was on the  
17 news all over the place.

18 Q Right.

19 A And I think it was like at the noon news they  
20 mentioned Mr. Foster again.

21 And I don't remember if they said something  
22 specific as far as--it might have been they mentioned

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1 something about funeral arrangements or something like that.  
2 I don't honestly know.

3 But something made me decide to call the office  
4 to check on the status of the case, and that's what I did.  
5 And I was told that the body, that the autopsy had been  
6 moved up to that morning after I had left.

7 Q Had you scheduled the autopsy before you left the  
8 office?

9 A Yeah.

10 We had made the arrangements for that, and the  
11 autopsy was going to be on that, not the day after but the  
12 following day.

13 So two days after the suicide.

14 Q Who would have scheduled that?

15 A The coroner or the medical examiner for Virginia  
16 schedules, because they have so many cases, I guess, that  
17 they--so many posts, as they call it, that they can do in a  
18 day.

19 And there were a number of other posts that he  
20 was already going to do.

21 So that's why Mr. Foster was going to go the  
22 following day first thing in the morning.

1 Q Would you have expected to attend the autopsy?

2 A I was going to attend, yeah.

3 I was going to request to attend.

4 Q Why?

5 A Like I said, I wanted to stay somewhat involved  
6 in the case, since I had done the initial.

7 You know, you have an interest in it.

8 And plus to, because I had been at the scene, the  
9 ME likes to know what the scene looked like, and I would be  
10 able to provide him with that information.

11 Q Is it standard operating procedure for an  
12 investigator or someone who was at the death scene to attend  
13 the autopsy?

14 A Yes.

15 Q Do you know of any cases in which no one from the  
16 death scene attended the autopsy?

17 A There has been some D.C. cases in D.C. where we  
18 don't because in D.C. the metropolitan police department  
19 handles all deaths and homicides.

20 So then there is no need to duplicate the effort.

21 Q So whether you are involved in a case in D.C. or  
22 not, their officers go to the autopsy?

1 A Right.

2 Right.

3 Q But in Virginia--

4 A In Virginia and Maryland we go to the autopsies.

5 Q Do you know who attended the autopsy for the Park  
6 Police in this case?

7 A Yes.

8 Investigator Morrisette went, and I'm not  
9 positive but I think the ID Tech that went and did photos  
10 was Wayne Johnson, but I am not positive on that.

11 Q Were either of those officers at the death scene?

12 A No.

13 Q Were you surprised to learn that those were the  
14 officers who attended?

15 A No, I wasn't.

16 I found out later that they had attempted to  
17 contact Investigator Rolla to have him come back to go to  
18 the autopsy, and he was just too tired to do it.

19 And they had our notes and things to be able to  
20 fill the medical examiner in with.

21 Q Did someone tell you explicitly that the autopsy  
22 was moved up because the White House had requested it?

- 1       A     Yeah.
- 2       Q     Who told you that?
- 3       A     I believe I was speaking to Detective Squires.
- 4       Q     Who is that?
- 5       A     He is another detective in the office.
- 6             But I am fairly certain that's who I was speaking
- 7 to, but I am not positive on that.
- 8             And, yeah, I had been told that at the request of
- 9 the White House, the autopsy was moved up because they were
- 10 going to be taking the body back to Arkansas for burial.
- 11       Q     So were you surprised by the fact that the
- 12 autopsy was moved up?
- 13       A     No.
- 14       Q     Did you ever speak to Major Holmes, Major Hinds,
- 15 or any other superior officers about--Captain Hume--about
- 16 this matter?
- 17       A     No, other than initially briefing Major Holmes
- 18 over the phone that night. I didn't--did not speak to
- 19 anybody other than Captain Hume about it.
- 20       Q     Are you aware of any pressure on anyone in the
- 21 department with respect to this investigation?
- 22       A     No.

- 1             I was not made aware of it.
- 2       Q     Do you think this investigation was handled as a
- 3 usual or ordinary death investigation?
- 4       A     As well as could be.
- 5       Q     Can you be more specific?
- 6       A     Well, other than, you know, the things like, you
- 7 know, having everybody show up for the notification and the
- 8 difficulty in having the White House office not sealed and
- 9 having difficulty even in getting into the White House, I
- 10 think we tried to do as normal an investigation as we could.
- 11       Q     Does the Park Police have special operating
- 12 procedures or guidelines for handling an investigation
- 13 involving the White House?
- 14       A     No, we don't.
- 15             But maybe we should.
- 16       Q     Do you think an investigation involving the White
- 17 House or someone associated with the White House should be
- 18 different than an ordinary investigation?
- 19       A     No, I don't.
- 20             But that's not reality.
- 21       Q     Why is that?
- 22       A     Because you--I mean you can see from this

1 particular investigation that there are going to be  
2 obstacles, there is going to be procedures that they have,  
3 you know.

4       There are procedures for going into the White  
5 House. They have their procedures, and we have our  
6 procedures, and there are going to be conflicts due to those  
7 procedures.

8       Q    If there is a conflict between the procedures  
9 involving the White House and the Park Police procedures,  
10 which is going to win out?

11       A    Well, I would--the Park Police, the criminal  
12 procedures should outweigh the administrative.

13       Q    Do you feel that happened in this case?

14       A    No.

15       Q    At this point, at this time, which I realize is a  
16 year later, do you have any thoughts about what you might  
17 have done differently or how the investigation might have  
18 been handled differently?

19       A    Yeah. I think I would have been a lot less  
20 understanding of the entourage, and I probably would have  
21 asked them to leave.

22       And I would have tried to sit down with Laura and

---

1 Mrs. Foster one on one and speak to them. And I would have  
2 gone through the house.

3       And then I would have attempted to go to the  
4 White House and make contact. If I couldn't at least get  
5 into the office, go through the Secret Service officials to  
6 get the office sealed.

7       Q    What would you have been looking for in the  
8 house?

9       A    Like a gun storage box, prescription medication  
10 that would have indicated that he was under a doctor's care,  
11 you know, tranquilizers, things like that, things that I  
12 would then turn over to the medical examiner to check  
13 Mr. Foster's blood for.

14       You know, any indications of a problem, you know,  
15 records, you know, that they might have kept.

16       Q    What kind of investigation would you do in  
17 hindsight with respect to family, friends, or business  
18 associates?

19       A    Well, I would, you know, schedule, you know, like  
20 I said, I would attempt that night to speak to the family  
21 and go through the house.

22       Go get the office, at least sealed if I couldn't



1 go through it.

2 Then schedule, start scheduling appointments for  
3 the people he worked with people who were close to him who  
4 might notice his moods, his patterns, you know, if there  
5 were any changes in his daily routines, things like that.

6 And, you know, his family, his sisters, to check  
7 on, you know, past family history, things like that.

8 I mean there is a lot you can do, and I mean I  
9 obviously didn't have the opportunity.

10 Q Do you still believe that the death of Vincent  
11 Foster was a suicide?

12 A Yes.

13 Q Did you get the impression that the White House  
14 took control of the investigation in this case?

15 A No.

16 I don't feel that they took control of the  
17 investigation.

18 I think they might have slowed down the  
19 investigation and made it a little more difficult to conduct  
20 the investigation. But I don't feel like they controlled  
21 it.

22 Q Were you ever aware, in the time you were

---

1 involved, of the involvement of the Justice Department or  
2 the FBI?

3 A Well, I know that the FBI agents went with  
4 Detective Markland and the captain when they went through  
5 the office, and I had also been told that they had--were  
6 satisfied with the investigation that we were conducting and  
7 felt no reason to take over the investigation, that they  
8 were satisfied with what we were doing.

9 Q In your experience, is it usual for an  
10 investigation to be closed before laboratory analysis, say,  
11 on the gun or on clothing is returned?

12 A Well, not being one of the most experienced  
13 people, I wouldn't say that was normal, no.

14 But, you know, in my experience, you know, I  
15 hadn't seen everything.

16 Q Do you know whether an HIV antibody test was  
17 ordered in this case?

18 A It seems to me that that's a standard test done  
19 by the medical examiner's office, but I am not positive on  
20 that.

21 It seems to me that I recall that that is a  
22 standard test done but that that information is not public

1 information.

2 Q But is that a test that is ordered? Is that a  
3 test that is requested by the Park Police, do you know, in  
4 an investigation?

5 A I don't believe so.

6 I think it's just a series of tests that's done  
7 by the ME's office.

8 Q Do you know if an HIV test was done in this  
9 case?

10 A I don't know for certain.

11 Q Do you think that slowing down an investigation  
12 can have the effect of hampering it?

13 A Yes.

14 MR. DARMER: Can you give me just one  
15 second?

16 THE WITNESS: Sure.

17 (Pause.)

18 MR. DARMER: I have no more questions at this  
19 time.

20 MR. IVEY: Let me ask you just a few brief  
21 ones.

22 THE WITNESS: All right.

1 FURTHER EXAMINATION

2 BY MR. IVEY:

3 Q Do you know the names of the FBI agents that  
4 interviewed you for this?

5 A If you tell them to me, I will probably recognize  
6 them.

7 Q Is one of them Cullen Bell?

8 A Yes.

9 Q Do you know the other one?

10 A No.

11 There was one I spoke to just very briefly. No,  
12 it was a taller, tall gentleman.

13 Q There is something I forgot to mention at the  
14 beginning, which is that the hearings on this matter are  
15 going to start next Friday, and it hasn't been determined  
16 who is going to be called as a witness.

17 You could be called, you might not be.

18 A Okay.

19 Q But keep Friday open.

20 A I will be working.

21 Q All right.

22 MR. DARMER: Actually, I have one other

1 question.

2 THE WITNESS: Oh, I'm sorry.

3 Can I make one request, though, that you could  
4 let me know as soon as possible so that I can have somebody  
5 to cover for me while I have to be here testifying?

6 I normally work like 12:00 in the afternoon till  
7 10:00 at night or from 4:00 in the afternoon till 2:00.

8 MR. DARMER: We will all stop to watch you on TV  
9 anyway.

10 (Laughter.)

11 THE WITNESS: I doubt it.

12 Crime doesn't stop.

13 (Laughter.)

14 MR. IVEY: Touch .

15 MR. DARMER: We're supposed to say "crime doesn't  
16 pay."

17 (Laughter.)

18 MR. DARMER: One other question.

19 FURTHER EXAMINATION

20 BY MR. DARMER:

21 Q Do you recall when you saw the body in Fort Marcy  
22 Park the direction that it was in?

1 And by that I mean the east-west, north/south  
2 orientation of the body?

3 A No.

4 And I don't--I didn't specifically set in my mind  
5 to see where north and south and east and west was.

6 Q Do you know if anyone did make that  
7 determination?

8 A No, I don't believe--I neglected to tell  
9 Investigator Rolla to do that.

10 That is done in a lot of cases, and I know I  
11 didn't tell him to do that, and I know I didn't specifically  
12 note it.

13 Q Is it done in every case, or just in some cases?

14 A It's done in most cases.

15 We had the photos, so I didn't think, you know,  
16 too much about it.

17 MR. DARMER: Okay. Thank you.

18 (Whereupon, at 5:05 p.m., the taking of the  
19 deposition ceased.)

20

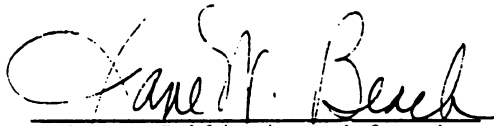
21

22

CERTIFICATE OF NOTARY PUBLIC & REPORTER

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I, JANE W. BEACH, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn; that the testimony of said witness was taken in shorthand and thereafter reduced to typewriting by me or under my direction; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and, further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

  
\_\_\_\_\_  
Notary Public in and for the  
District of Columbia

My Commission Expires NOVEMBER 14, 1996

## EXHIBIT

## Exhibit 1

102 (Rev. 3-10-82)

**CONFIDENTIAL**

- 1 -

## FEDERAL BUREAU OF INVESTIGATION

Date of transcription 5/10/94

Sergeant CHERYL ANN BRAUN, U.S. Park Police (USPP) was advised of the identities of Agents \_\_\_\_\_ and \_\_\_\_\_. She was informed that the FBI was conducting an ongoing investigation into the death of VINCENT FOSTER and wished to interview her for any information or assistance she could render.

Sergeant BRAUN advised that on July 20, 1993, she was working in the Investigative Branch of the USPP, working a 2:00 - 10:00 p.m. shift. She stated that she and two other investigative officers, JOHN ROLLA and RANDY ABT, were at the Anacostia Park Station when the call first came in regarding the finding of a dead body at Fort Marcy Park. Officer BRAUN stated that as best she recalls, she inquired by police radio if it appeared natural or suspicious and one of the officers at the park responded that it appeared suspicious. She instructed them by radio to close the park gate.

BRAUN stated that she and Officers ROLLA and ABT then proceeded to the park, estimating her arrival somewhere between 6:30 and 6:45 p.m. As she pulled into the park entrance, she noted a dark colored disabled Mercedes with hazard lights on. In the Fort Marcy parking lot, she recalls two cars, one of which was later identified as MR. FOSTER's car, and a second car, towards the rear of the lot, belonging to a man and a woman who were in the process of being questioned by USPP Officer JULIE SPETZ. Sergeant BRAUN stated that she believes LT. GAVIN, USPP Shift Commander was also at the parking lot, adding that he left fairly quickly after she arrived with fellow investigators.

Sergeant BRAUN stated that she was the senior investigator on the scene, adding that she initially participated in questioning a man and a woman who had been found in the park by Officer SPETZ. She advised that as best she recalls, she, ROLLA and ABT remained in the parking lot for about 5 or 10 minutes, awaiting the arrival of evidence officer PETER SIMINELLO. She stated that to the best of her recollection, she,

Investigation on 4/28/94 at 5/3/94 File # 29D-LR-35063  
by \_\_\_\_\_ Date dictated 5/4/94 OIC 000261

**CONFIDENTIAL**

29D-LR-35063

Continuation of FD-302 of CHERYL ANN BRAUN, On 4/28/94, Page 2

SIMINELLO, ROLLA and ABT all walked up to the death scene together.

Sergeant BRAUN stated that the body was lying approximately fifteen to twenty feet in front of "the second cannon" in the center of a steeply sloped path on the downside of a berm or hill. She stated that the head was at the top of the slope, with the body extending down the slope, positioned flat on its back, hands by side. BRAUN stated that there was thick foliage on both sides of the body. To some degree, the foliage extended out over the body, making it difficult to see. BRAUN stated that she recalls seeing a revolver in the right hand, pointing out that she was looking for the gun as she had already been informed that it was a suicide. BRAUN states that she clearly recalls blood in the area of the nose running down the right side of the face; she can't say for sure, but she vaguely recalls some trace of blood around the mouth and also traces of blood on the right shoulder of the shirt. BRAUN stated that by the time she had viewed the body, a heavy concentration of flies were around the mouth, nose and eyes. BRAUN further stated that the head was tilted up and back, with the eyes partially opened, looking straight up towards the sky.

Sergeant BRAUN advised that shortly after arriving at the death scene, Officer JOHN ROLLA began taking polaroid pictures; she stated that at approximately the same time or possibly shortly thereafter, PETE SIMINELLO also began taking 35mm photographs. She stated that both ROLLA and SIMINELLO worked their way around the body taking both polaroids and 35mm photographs from various angles. As she recalls, JOHN ROLLA, while taking photographs of the body, discovered a pair of eyeglasses approximately ten feet below the body on the down side of the berm. She stated that to the best of her recollection, this was the only other physical evidence found in the vicinity of the body, adding that she has no recollection of a wine bottle being found near the right side of the body. Sergeant BRAUN recalled specifically looking around the area for any possible suicide note, but found none. Sergeant BRAUN stated that to the best of her recollection, both 35mm and polaroid photos were taken prior to the time that any of the Park Police officers touched or disturbed the body. Sergeant BRAUN advised that at one point prior to her going back down to the parking lot, she observed Officer ROLLA check the pants pockets, both sides and rear, in an effort to find identification or possible suicide

OIC 000262

29D-LR-35063

**CONFIDENTIAL**Continuation of FD-302 of CHERYL ANN BRAUN , On 4/28/94 , Page 3

note. She stated that ROLLA, in doing this, did move the body slightly, possibly rolling it to its right and left. Sergeant BRAUN pointed out that Officer ROLLA, in checking the pockets, did not discover the car keys, adding that she and he later had to go to Fairfax Morgue where she recovered the car keys in the right pants pocket.

Sergeant BRAUN advised that at some point, she and Officer SIMINELLO went back to the parking lot to check the car, adding that she took several polaroid pictures and Officer SIMINELLO took 35mm photos of the car. She stated that she began a search of the car and found a suit jacket with a wallet inside and White House identification on the front passenger seat. BRAUN stated that she advised another officer to call the Shift Commander and inform him of this new development while she continued to search the car. She advised that approximately thirty minutes passed whereupon she learned that the Shift Commander had never been notified and she then, herself, called, advising him of the White House identification at approximately 7:30-7:45 p.m. Sergeant BRAUN stated that at about the time she was completing the search of the car, the coroner and ambulance arrived to remove the body and take it to Fairfax County Hospital (morgue). She advised that she did not learn until later that MR. FOSTER was a Deputy White House Counsel.

Sergeant BRAUN advised that while she and Officer ROLLA were in route to the hospital in an attempt to retrieve the keys from the body, she was contacted by the Shift Commander with instructions to call a White House Official named DAVID WATKINS, a friend of the FOSTER family who wanted to accompany the police officers to the FOSTER home when the family was notified of his death. Sergeant BRAUN stated that she and Officer ROLLA did telephonically contact WATKINS, agreeing to pick him up at his home prior to going to the FOSTER residence. Sergeant BRAUN advised that she and ROLLA were again contacted by the Shift Commander by car phone with follow-up instructions to call a White House Official named KENNEDY. She stated that upon calling KENNEDY, he requested that he and a MR. LIVINGSTONE of the White House be permitted to view the body at Fairfax Hospital. To the best of her recollection, either she or JOHN ROLLA called the hospital, identifying themselves as Park Police and instructing the hospital officials to let a MR. KENNEDY and LIVINGSTONE view the body but not to disturb or remove any objects.

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**CONFIDENTIAL**Continuation of FD-302 of CHERYL ANN BRAUN, On 4/28/94, Page 4

Sergeant BRAUN advised that she and Officer ROLLA then picked up MR. WATKINS at his Georgetown residence (located in fairly close proximity to the FOSTER residence) and gave him a ride to the FOSTER residence. MRS. WATKINS followed in her car. Upon arriving at the FOSTER home, they were met by several individuals, including MR. WEBB HUBBELL, SHEILA ANTHONY (FOSTER's sister), and another woman who she believes was also related to FOSTER. Officer BRAUN stated that the entire group entered the residence together and Officer ROLLA introduced himself to MR. FOSTER's daughter, LAURA, informing her that he needed to speak to her mother.

Sergeant BRAUN stated that as best she recalls, MRS. FOSTER came downstairs fairly quickly and while she was still standing on one of the lower steps, Officer ROLLA informed her with words to the effect that "He was sorry but he had to inform her that her husband was dead."

She stated that Officer ROLLA did have some success in attempting to talk to MRS. FOSTER, making inquiry as to a possible suicide note or any knowledge she might have of a weapon. Sergeant BRAUN stated that MRS. FOSTER was unable to provide any information regarding a possible suicide note. BRAUN

She stated that ROLLA later informed her that MRS. FOSTER was unable to provide any assistance or information regarding the weapon used by MR. FOSTER. Officer BRAUN stated that at some point, President CLINTON and his Secret Service escort arrived at the residence, adding that there were so many people present, attempting to console and help, that she and Officer ROLLA decided that they could accomplish nothing further that night regarding their investigation and they left.

OIC 000264



FD-302a (Rev. 11-15-83)

29D-LR-35063

**CONFIDENTIAL**Continuation of FD-302 of CHERYL ANN BRAUN, On 4/28/94, Page 5

Sergeant BRAUN stated that if she was needed in the future, she could be reached at her work number (301) 492-6293. She concluded by stating that after leaving the FOSTER residence that evening and assisting Officer ROLLA in writing reports, she had no further involvement in this investigation.

OIC 000265

**DEPOSITION OF JAMES C. BEYER  
IN RE: S. RES. 229**

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**WEDNESDAY, JULY 13, 1994**

**U.S. SENATE,  
COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS,  
Washington, DC.**

**Deposition of JAMES C. BEYER, called for examination  
pursuant to notice of deposition, at 9:30 a.m. in Room SC-06 of the  
Capitol, before JULIE BAKER, a Notary Public within and for the  
District of Columbia, when were present:**

**GLENN F. IVEY, Esq.  
Majority Counsel  
ROMAN E. DARMER, III, Esq.  
JULIE FALLON, Esq.  
Minority Counsel  
Committee on Banking, Housing, and Urban Affairs  
U.S. Senate  
On behalf of the Committee.**

**ALSO PRESENT: PAUL GOLDENBERG**

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| WITNESS             | EXAMINATION |
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| James C. Beyer      |             |
| by Mr. Ivey .....   | 3           |
| by Mr. Darmer ..... | 28          |
| Errata Sheet .....  | 597         |

EXHIBITS

| James C. Beyer                |            |
|-------------------------------|------------|
| DEPOSITION NUMBER             | IDENTIFIED |
| Exhibit 1 (S. RES. 229) ..... | 3, 138     |
| Exhibit 2 .....               | 10, 598    |
| Exhibit 3 .....               | 20, 606    |
| Exhibit 4 .....               | 21, 610    |
| Exhibit 5 .....               | 59, 615    |

## PROCEEDINGS

1  
2 Whereupon,

3 JAMES C. BEYER

4 was called as a witness and, having first been duly sworn,  
5 was examined and testified as follows:

6 EXAMINATION

7 BY MR. IVEY:

8 Q Good morning, Doctor. I'm Glenn Ivey and I'm  
9 counsel for the Senate Banking Committee and I represent  
10 the majority in this case. We're investigating the death  
11 of Vincent Foster pursuant to this resolution, which is  
12 Senate Resolution 229.

13 MR. IVEY: Could you mark this for me.

14 (Beyer Exhibit 1 identified.)

15 BY MR. IVEY:

16 Q I'll show it to you. On page 203, it talks  
17 about -- page 2-B, it looks like, the Park Service Police  
18 investigation into the death of White House deputy counsel  
19 Vincent Foster.

20 A Right.

21 Q I wanted to show that to you and say this  
22 deposition will be conducted pursuant to this. I'll talk

---

4

1 about that in a little more detail in a moment, but that's  
2 the authority under which we're conducting the deposition.

3 I don't know if you've received a letter of  
4 notification or if you were called to come down but in any  
5 event, it was pursuant to the authority of two members of  
6 the committee.

7 A All I had were telephone calls. Normally, I  
8 expected a subpoena.

9 Q The deposition is being taken -- we'll probably  
10 have hearings in the last week of July. It's not clear  
11 who's going to be called as a witness, but there's a chance  
12 that you could be called as a witness. Okay?

13 A If I'm provided transportation.

14 Q I'm going to ask a series of questions. You're  
15 already under oath, as you know. I'm going to ask you,  
16 obviously, to answer the questions as honestly and  
17 concisely as you can. If you don't understand the  
18 questions I ask, I just ask you to let me know and I'll  
19 rephrase them or try to explain them in detail. I ask that  
20 you not guess or speculate when you're answering the  
21 questions.

22 You are aware that you could have brought counsel

1 with you today?

2 A Nobody told me that.

3 Q Have you done depositions before?

4 A Depositions, but normally it didn't require  
5 counsel.

6 Q How many depositions do you think you've done in  
7 your career?

8 A Probably several thousand.

9 Q About objections, objections can be raised as to  
10 the form of the question and to the scope of the question.  
11 By scope, I mean whether it goes beyond the authority of  
12 the resolution or not, but that's probably going to be  
13 about the only objections we're going to have in this  
14 deposition. And if you need to take a break or anything  
15 like that, please let me know and we can stop and do it.  
16 Could you state your name, please and spell your last  
17 name.

18 A Dr. James C. Beyer, B-e-y-e-r.

19 Q What's your date of birth and your Social  
20 Security number?

21 A June 2, 1918, 318-16-1514.

22 Q What's your occupation?

---

1 A Forensic pathologist.

2 Q How long have you served or worked as a forensic  
3 pathologist?

4 A I established the Northern Virginia district  
5 office in 1971. I've been in charge of it ever since.

6 Q Were you a forensic pathologist before that?

7 A I was a pathologist, but my practice was not  
8 devoted strictly to forensic pathology.

9 Q As a forensic pathologist, what are your current  
10 duties?

11 A Administrative duties for the Northern Virginia  
12 district, which encompasses 19 cities and counties in  
13 Northern Virginia, in the performance of autopsies in those  
14 cases where it is so indicated.

15 Q Do you have someone that you report to in your  
16 job?

17 A Chief medical examiner in Richmond.

18 Q In Richmond?

19 A Yes, sir.

20 Q Is that a political appointment?

21 A No.

22 Q Are you a political appointee?

- 1 A No.
- 2 Q How did you go about being hired? How did that
- 3 work?
- 4 A There was an opening for a deputy chief medical
- 5 examiner and I applied and was accepted.
- 6 Q So your title is deputy chief medical examiner?
- 7 A That's right.
- 8 Q Just briefly about your employment history, when
- 9 did you finish med school?
- 10 A 1946.
- 11 Q Where did you go to med school?
- 12 A Loyola University School of Medicine in Chicago.
- 13 Q And for college?
- 14 A St. Ambrose College, Davenport, Iowa.
- 15 Q Did you get special training for being a forensic
- 16 pathologist?
- 17 A I have a master's degree in anatomy and I also
- 18 took a residency in pathology while I was in the Army.
- 19 Q And how long were you in the Army?
- 20 A 14 years the last time.
- 21 Q Did you have a step before that?
- 22 A Pardon?

- 1 Q Did you serve a term before that in the Army?
- 2 A I had been in the Army for two years earlier than
- 3 that.
- 4 Q Were you practicing medicine then?
- 5 A After I got out of medical school and went into
- 6 the Army, I was in the medical corps, yes.
- 7 Q And what years were those?
- 8 A Came in the Army in 1950, and I resigned in 1963.
- 9 Q You were doing forensic pathology or just
- 10 pathology during that period?
- 11 A During most of that time, I was attached to the
- 12 Army surgeon general's office in the surgical research
- 13 section.
- 14 Q What does the surgical research section do?
- 15 A My primary duties at that time were liaison with
- 16 the ordnance corps and with the chemical corps in
- 17 development of new weaponry, study of balloon ballistics
- 18 and development of body armor.
- 19 Q About how many autopsies do you estimate you've
- 20 performed during the course of your career?
- 21 A In excess of 20,000.
- 22 Q About how many of those autopsies have been

1 performed on subjects that were suffering from gunshot  
2 wounds?

3 A I conducted two battle casualty surveys, one in  
4 Korea and one in Vietnam. During the time in Korea I  
5 participated in at least 8000 autopsies on battle  
6 casualties, all of whom either had small arms or  
7 fragmentation injuries.

8 Q With respect to suicides, about how many  
9 autopsies have you conducted in which -- actually, before I  
10 ask that question, is part of your report or your autopsy  
11 procedure include making a ruling as to the manner of  
12 death?

13 A That's done in conjunction with the police  
14 investigation. Once we do the autopsy and they detail what  
15 they found at the scene or the past medical history of the  
16 individual, then we make a diagnosis of whether it's  
17 natural, homicide, accident, suicide or undetermined.

18 Q And when you say "we," is that you or you in  
19 conjunction with the police?

20 A My autopsy report in conjunction with the police  
21 investigation.

22 Q So on your autopsy report, there wouldn't be a

---

1 spot where you wrote in the manner of death?

2 A We don't have that on the autopsy report.

3 Q Do you know about how many of these autopsies  
4 you've done that have been ruled suicide?

5 A Since I've been doing autopsies in Northern  
6 Virginia, approximately 20 percent of our autopsies are  
7 done on suicides.

8 Q Did you do the autopsy on Vincent W. Foster?

9 A Yes.

10 Q And was that done July 21, 1993?

11 A That's correct.

12 MR. IVEY: Could you mark this number 2 for me.  
13 (Beyer Exhibit 2 identified.)

14 BY MR. IVEY:

15 Q Let me hand you what's been marked Exhibit  
16 Number 2 and ask you if you recognize that.

17 A This is the autopsy report and the certificate of  
18 analysis performed on Vincent Foster.

19 Q The certificate of analysis was written by -- was  
20 not done by you; is that correct?

21 A No, sir.

22 Q But the rest of the report was all done by you?

- 1 A That's correct.  
2 Q It's all in your handwriting or typing?  
3 A Both, a combination.  
4 Q Was anyone present with you when you did the  
5 autopsy?  
6 A Park Police were present.  
7 Q James Morrisette?  
8 A That's correct.  
9 Q And why was he there?  
10 A It's been my general rule that whenever there is  
11 a gunshot wound, particularly if there's any suspicious  
12 character about it, I require that the police be present.  
13 MR. IVEY: Can we pause for just a second.  
14 (Discussion off the record.)  
15 BY MR. IVEY:  
16 Q During the time when Detective Morrisette was  
17 there, did he make any comments to you about the autopsy?  
18 A Not about the autopsy. He merely furnished me  
19 with some information as to where the body was found.  
20 Q Did he say anything to you in an attempt to  
21 influence what you were doing one way or the other?  
22 A That's not possible.
- 

- 1 Q What do you mean?  
2 A I don't get influenced during the autopsy by the  
3 police.  
4 Q Did he say anything that could be construed in  
5 that way to you?  
6 A No, nothing whatsoever.  
7 Q How did you perform the autopsy?  
8 A The usual fashion. External examination with  
9 photographs, documentation of injuries or any other  
10 identifying marks, internal examination with opening of the  
11 thorax, abdomen and head, collection of body tissues for  
12 histological examination and body fluids for toxicology  
13 analysis.  
14 Q Are there a set of standard procedures that  
15 govern how you do a typical autopsy?  
16 A It's a fairly routine matter, yes.  
17 Q And did you follow those procedures and that  
18 routine?  
19 A That's correct.  
20 Q What was your conclusion about the cause of death  
21 in this case?  
22 A Perforating gunshot to the head with entrance in



1 the mouth, exiting the head.

2 Q What was the path of the bullet?

3 A Entered through the mouth, through the posterior  
4 pharynx, went backward -- backward and upward with exit  
5 from the back of the head.

6 MR. DARMER: Excuse me, Doctor, could you state  
7 what you're looking at.

8 THE WITNESS: It's a copy of the autopsy report.

9 MR. DARMER: Thank you.

10 THE WITNESS: Same document as that.

11 BY MR. IVEY:

12 Q Same as Exhibit 2?

13 A That's correct.

14 Q Let me ask you a couple questions about your  
15 diagram here. On the full body diagram, I guess it's the  
16 third page of the autopsy report, I notice that there was  
17 no entry wound drawn on the back of the head.

18 A I normally use this for general information. And  
19 for gunshot wounds, I use a separate diagram depicting only  
20 the head.

21 Q So the general information that's depicted on the  
22 full body diagram on page 3 would be what?

1 A That would be information such as scars, tatoos,  
2 clothes, personal effects.

3 Q And is that noted here on your diagram?

4 A That's correct.

5 Q So then we go to the next page, which is page 4,  
6 and that depicts the what?

7 A You have a different order. This, I would  
8 presume, would be the next one.

9 Q Let me apologize. Why don't we work from the  
10 exhibit, then. What does that depict?

11 A That depicts the entrance of the missile at the  
12 base of the skull with an arrow depicting the missile path  
13 and a fracture line across the base of the skull.

14 MR. DARMER: Excuse me, Counsel. Would you state  
15 what page of the exhibit you're referring to.

16 MR. IVEY: I already did. Page 4.

17 BY MR. IVEY:

18 Q And the next one, page 5, what does that depict?

19 A This is an external view of the skull depicting  
20 fracture lines and the exit site of the missile.

21 Q Now, on the next page, page 6, the diagram of the  
22 head, there's a number written under the nose of the head

- 1 there. I think it's 7-1/2, if I'm not mistaken. What does  
2 that --
- 3 A That's the approximate distance from the top of  
4 the head to where the missile entered the mouth.
- 5 Q 7-1/2 inches?
- 6 A That's correct.
- 7 Q And the diagram underneath that --
- 8 A That would be from the top of the head to where  
9 the exit wound in the back of the head.
- 10 Q And it's got "3 inches" written on it?
- 11 A That's correct.
- 12 Q Other than these two wounds, did you see any  
13 other wounds to the body?
- 14 A None.
- 15 Q Did you see any gunpowder burns on the body?
- 16 A Tissue taken from the posterior oral pharynx or  
17 the back of the mouth contained powdered debris.
- 18 Q Did you see any indications on the body of any  
19 type of struggle or defensive wounds or anything like that?
- 20 A No evidence of such wounds.
- 21 Q Did you recover any bullets from the body?
- 22 A No.
- 

- 1 Q Were any X-rays taken?
- 2 A I had anticipated taking it, but our machine was  
3 not operating properly, so rather than hold up the autopsy  
4 for 24 hours, I sent the body out to another installation.  
5 I did the autopsy without an X-ray.
- 6 Q Would you say that the wound in the mouth and the  
7 wound at the back of the head were caused by the same  
8 bullet?
- 9 A The one in the mouth was an entrance wound. The  
10 one in the back of the head was an exit wound.
- 11 Q Caused by the same bullet?
- 12 A That would be my conclusion.
- 13 Q I'm sorry. Did I ask you about gunpowder burns?  
14 Did you see any gunpowder on the body at all?
- 15 A I said there was gunpowder at the back of the  
16 mouth.
- 17 Q Did you see any on the hands?
- 18 A There was debris on both the right and left hand  
19 that I interpreted grossly as being gunpowder. That's  
20 shown on one of the diagrams.
- 21 Q That would be this large diagram here?
- 22 A That's right.

1 Q I think it says "black material"?  
2 A That's right.  
3 Q And that's on both hands?  
4 A That's right.  
5 Q The index fingers?  
6 A Yes, sir.  
7 Q Do you know if Foster was right-handed or  
8 left-handed?  
9 A No, I do not.  
10 Q Do you know if there was an equal amount of this  
11 black material on the hands, or were there different  
12 amounts?  
13 A More on the right than on the left.  
14 Q Other than Detective Morrisette, did you talk to  
15 anyone else at the Park Police about your autopsy?  
16 A He's the only one that I have information on who  
17 had contacted my office. There may have been other people,  
18 but he's the primary contact that I had.  
19 Q He's the only one you remember?  
20 A That's the only one I have down in the report.  
21 Q Did anyone from the White House contact you?  
22 A No, sir.

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1 Q Other than the FBI agents who were working for  
2 the special counsel, Robert Fiske, do you remember being  
3 contacted by any other federal employees or officers or  
4 agents?  
5 A No, sir.  
6 Q Any local or state governments contact you about  
7 this?  
8 A No, sir.  
9 Q Did you talk with the chief medical examiner  
10 about this case at all?  
11 A We normally notify the chief medical examiner  
12 when there is a case that might be of some interest to them  
13 because of newspaper clippings. Other than that, we have  
14 no contact with them on the case.  
15 Q In this case specifically, do you remember if you  
16 contacted him or not?  
17 A No, sir.  
18 Q You don't remember or you didn't contact him?  
19 A I don't remember.  
20 Q Did you talk to anybody about this deposition  
21 today?  
22 A The only people I talked to are people from your

1 office who called me.

2 Q Did you review any notes or any type of documents  
3 or reports in preparation for this deposition?

4 A I made a copy of the autopsy report and brought  
5 it with me, but other than that, no other preparation.

6 Q When you were doing the autopsy, did you take  
7 written notes, or did you dictate notes?

8 A The only written notes we take at the time are  
9 the weights of organs.

10 Q Is there anybody, anyone else in your office who  
11 you discussed this case with or may have helped you in  
12 typing the autopsy report or preparing the autopsy report?

13 A Well, the report is typed by our staff. Other  
14 than that, I have no discussion with anybody else.

15 Q As the deputy chief medical examiner, are there  
16 other medical personnel that work under you?

17 A I have an associate pathologist who works with  
18 me.

19 Q Who is that?

20 A Dr. Francis Field, F-i-e-l-d.

21 Q Francis, c-i-s or c-e-s --

22 A F, F-i-e-l-d.

1 Q I mean the first name.

2 A C-i-s.

3 Q Did Dr. Field participate in this autopsy in any  
4 way?

5 A No.

6 Q Did she participate in preparing the report in  
7 any way?

8 A No.

9 Q Did you discuss the case with her at all?

10 A Only at the time when the people from Fiske's  
11 office came for a meeting.

12 Q Do you remember the substance of that  
13 conversation?

14 A I told her we were going to have a meeting and  
15 she was present during the meeting.

16 Q Did you have a chance to look at Mr. Fiske's  
17 report on the death of Mr. Foster?

18 A I have reviewed it.

19 MR. IVEY: Can you mark this for me, please. I  
20 think we're at 3.

21 (Beyer Exhibit 3 identified.)

22 BY MR. IVEY:

1 Q Did you review the part of the report that  
2 contained the conclusions of the forensic pathologists,  
3 Drs. Hirsh, Luke, Reay and Stahl?

4 A Yes.

5 Q Let me hand this to you. This is Exhibit 3. Is  
6 that the part that you reviewed of the report, one of the  
7 parts?

8 A Yes.

9 Q Did you talk with any of these doctors in  
10 preparing your autopsy report?

11 A Not in the preparation of the autopsy report.

12 Q Did you talk to them before they came to these  
13 conclusions and their forensic pathology report?

14 A They came out to my office, and we discussed the  
15 case.

16 MR. IVEY: Can you mark this number 4 on the back  
17 for me.

18 THE WITNESS: I also furnished them with whatever  
19 information they required in their investigation.

20 (Beyer Exhibit 4 identified.)

21 BY MR. IVEY:

22 Q Now, I'm looking at Exhibit 4, which are the

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1 notes from the interview with you. Dr. Field, Dr. Stahl  
2 and Dr. Luke were present; is that correct?

3 A That's right.

4 Q And I see a name, Dr. Norman and Dr. Fierro, it  
5 looks like. Who are they?

6 A Dr. Marcello Fierro was the chief medical  
7 examiner.

8 Q Of Virginia?

9 A That's correct.

10 Q And who's Mr. Norman?

11 A He may have been from the FBI. I don't know.

12 Q Now, about how long did they talk with you about  
13 your report? Do you recall how long?

14 A They were present 1-1/2 to two hours.

15 Q Going back to Exhibit Number 3, you said you had  
16 a chance to read this report?

17 A I have read it, yes.

18 Q Did you come across any points in here where  
19 their conclusions differed from your conclusions?

20 A Not that I recall. No.

21 Q So their conclusions were generally that one  
22 bullet entrance wound in the mouth, exit wound in the head,

1 as you've testified earlier?

2 A That's correct.

3 Q Now, they also discuss in here position of the  
4 head, which I don't know that you discussed in your autopsy  
5 report. Do you recall if you discussed the position of the  
6 head in your report at all?

7 A No.

8 Q No, you didn't?

9 A I did not.

10 Q When you say that their conclusions were similar,  
11 we're talking about the causes of death?

12 A That's correct.

13 Q The bullet path?

14 A That's correct.

15 Q Did you make any findings about the time of the  
16 death?

17 A No.

18 Q Did you make findings about toxicology?

19 A Only from the toxicology that was performed from  
20 the specimens that I submitted to the state laboratory.

21 Q And that would have been the last page of the  
22 report that you reviewed earlier? That would be the --

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1 A Certificate of analysis.

2 Q And you didn't make findings about position of  
3 the body?

4 A No.

5 Q Did you make any findings about position of the  
6 weapon?

7 A No, except that the weapon undoubtedly had the  
8 muzzle in the mouth at the time of discharge.

9 Q Are you aware of any information, either at the  
10 time you did the autopsy or that you've learned  
11 subsequently by reading the forensic pathology report from  
12 the special counsel's office or any other source, that  
13 would indicate that Mr. Foster's death was caused by  
14 anything other than a self-inflicted gunshot wound?

15 A That is still my conclusion.

16 Q Are you aware of any evidence to the contrary?

17 A No, sir.

18 Q Doctor, let me ask you one more set of  
19 questions. I apologize in advance for asking them, but I  
20 need to go into it. There was a Washington Times article  
21 dated March 8, 1994 that discussed a ruling that you had  
22 made in a 1989 killing. You ruled it a suicide, and that

1 ruling was later reversed. Are you familiar with that  
2 article?

3 A That's correct.

4 Q Are you familiar with that event?

5 A That's correct.

6 Q What was your reaction to that article?

7 A Typical media reporting with gross inaccuracy.

8 Q Did you feel that what had actually taken place  
9 had been distorted in any way by the article?

10 A It just didn't have the complete information.

11 Q Is there anything about that article or I guess  
12 other comments like that that may have been made that would  
13 change your ruling about Mr. Foster's autopsy?

14 A Can I elaborate on that article?

15 Q You certainly can.

16 A This individual was found in a room with his  
17 girlfriend with a stab wound. They had been fighting.  
18 There had been noise emanating from the room. The mother  
19 attempted to go into the room, was told in no uncertain  
20 terms to get out. He was then found with a stab wound to  
21 the left upper thorax. The girl was a suspect and the  
22 police submitted her to polygraph testing which came back

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1 that she was telling the truth.

2 It was only approximately four years later when  
3 another polygraph operator reviewed the report and found  
4 that the first one was deceptive, that it should not have  
5 been reported as a negative report. If that had been known  
6 at the time, then further investigation might have been  
7 conducted by the police.

8 My report of suicide was done, again, in  
9 conjunction with the police. In view of the negative  
10 polygraph report and the only person who was in the room  
11 with the deceased, we made a ruling of suicide.  
12 Anatomically, the wound could have been inflicted by the  
13 deceased individual.

14 Q Let me ask you about the rulings you make in  
15 conjunction with the police and direct you to this case in  
16 particular. Who made -- what role did you have in  
17 determining that this was a suicide, Mr. Foster's death was  
18 a suicide?

19 A Number one, it was a perforating gunshot wound to  
20 the head with evidence that there was a contact wound in  
21 the back of the mouth with gunpowder present in that area.  
22 Most wounds of that type are generally self-inflicted.

1 It's extremely difficult to inflict that by any other  
2 means.

3 Q Why is that?

4 A Most people do not allow a muzzle of a weapon to  
5 be placed in their mouth without some signs of struggle.

6 Q Did you spot any signs of struggle in this case?

7 A None.

8 Q What other information did you look to in this  
9 case?

10 A The police telling me that he was found with a  
11 weapon in close vicinity to the body.

12 Q Any other information?

13 A No.

14 Q Did they discuss details about the position of  
15 the body, when it was found and where it was found and that  
16 type of information?

17 A Only the location where it was found.

18 Q Did they say anything about having any type of  
19 suicide notes or conversation with his family or anything  
20 like that at the time you did the autopsy?

21 A There was no indication that a suicide note was  
22 present or had been located. And at the time we did the

---

1 autopsy, no other information was available.

2 Q Is there anything you'd like to change about the  
3 statement you've given or add to any of the comments you've  
4 made so far?

5 A None that I'm aware of.

6 Q I would ask at this time -- they're going to ask  
7 questions but when the deposition is over, I'd ask that you  
8 not discuss your testimony.

9 A I normally don't.

10 EXAMINATION

11 BY MR. DARMER:

12 Q Dr. Beyer, when did you first learn about a  
13 suicide note in this case?

14 A I didn't know there was a suicide note. I  
15 certainly didn't know of it at the time I did the autopsy.

16 Q What exactly were you told about the location of  
17 where the body was found before you did the autopsy?

18 A Only the physical location.

19 Q And what was that?

20 A That it was Marcy Park off of the GW Parkway.

21 Q Do you remember who told you that?

22 A I initially learned of that from the Fairfax



1 county medical examiner who was notified by the police and  
2 who then notified me, and that was again verified by the  
3 Park Police at the time of the autopsy.

4 Q Who was the Fairfax County medical examiner who  
5 was notified by the police?

6 A Dr. Donald Haut, H-a-u-t.

7 Q When did he notify you?

8 A I don't have the exact time but sometime on the  
9 morning of the 21st of July 1993. I don't have that paper.

10 Q Did he notify you in his office?

11 A At what?

12 Q Did he notify you at your office?

13 A Yes, sir.

14 Q Could you describe what he said to you and what  
15 you said to him.

16 A That he had an individual who had sustained a  
17 gunshot wound and the body was at Fairfax Hospital, and I  
18 told him we would do an autopsy.

19 Q Did you know whether any kind of forensic  
20 examination had been done on the scene?

21 A No.

22 Q Did you ask Dr. Haut any questions about what he

---

1 did at the scene?

2 A He doesn't do anything except identify the fact  
3 that there is an individual, do they have an identification  
4 on them and what is the probable cause of death.

5 Q What did Dr. Haut tell you was the probable cause  
6 of death?

7 A It appeared to be a gunshot wound.

8 Q Did he say that it was a suicide?

9 A Not at that time, no.

10 Q Did you ever see a written report reflecting what  
11 Dr. Haut told you?

12 A We have his report of investigation.

13 Q Did you have that at the time of the autopsy?

14 A No.

15 Q Did you have any further conversations with  
16 Dr. Haut after the autopsy was completed?

17 A His office probably called in and wanted to know  
18 what the cause of death was and it was given to him, which  
19 is the usual procedure.

20 Q When exactly did you determine what the cause of  
21 death was?

22 A At the time of the autopsy.

1 Q And when was that autopsy report filed -- excuse  
2 me, when you say at the autopsy, you mean in the actual  
3 autopsy procedure?

4 A In this particular case, the cause of death was  
5 identified and made known at the time I did the autopsy on  
6 July 21st.

7 Q Is that reflected in your report?

8 A Only in the fact that it shows up in the final  
9 report.

10 Q Were there interim or draft reports, then,  
11 Doctor?

12 A We don't send out interim reports.

13 Q Do you do them internally?

14 A No.

15 Q So what exactly is the time frame between  
16 completing the autopsy and preparing the final report?

17 A The autopsy was finalized on July 28th.

18 Q Were you working on the report between July 21st  
19 and July 28th?

20 A Following fixations of tissue for microscopic  
21 examination, slides are prepared and examined under a  
22 microscope. Following the availability of those slides, we

1 then finalize the report.

2 Q When you say "we," are you referring to you and a  
3 stenographer or you and other members of your staff?

4 A Once I have the slides examined, then I submit  
5 the report for final typing. No one else contributes to  
6 the report other than myself.

7 Q Did you have any contacts with Officer  
8 Morrisette between the time of the autopsy and the date  
9 that the report was finalized?

10 A He may have called in but had nothing to do with  
11 the preparation of the report.

12 Q Do you remember talking with him?

13 A I have no records here at this time.

14 Q Do you have any records that would reflect  
15 whether you might have received a call from him or whether  
16 you would have spoken with him?

17 A I may have a complete report in the office but I  
18 didn't bring anything with me.

19 Q What kind of report at the office are you  
20 referring to?

21 A Only an indication that the original report with  
22 all the other information available to the case, such as

1 newspaper articles, photographs and things of that  
2 character.

3 Q What other kinds of information are included with  
4 the report besides photographs and newspaper articles?

5 A Nothing other than perhaps report of telephone  
6 calls from newspapers.

7 Q Is it standard operating procedure to include  
8 copies of newspaper reports with the autopsy report  
9 maintained in the office?

10 A Yes.

11 Q Why is that?

12 A Because sometimes we want to know what  
13 information has been put out and is made available. It's  
14 just part of the complete documentation of the case.

15 Q You said that there might be some photographs  
16 with the report in the office?

17 A That's correct.

18 Q What photographs are you referring to?

19 A Taken at the time of the autopsy.

20 Q And who took those photographs?

21 A I did.

22 Q What did you photograph?

1 A We normally take an identification photograph and  
2 photograph of the wounds, if they are available for  
3 photography.

4 Q What sort of photograph equipment do you use to  
5 take those photographs?

6 A Polaroid and 35 millimeter.

7 Q Did you use both kinds of cameras in this case?

8 A Yes, sir.

9 Q Did you individually take the pictures?

10 A I took the pictures at the time of the autopsy.

11 Q Did you provide those pictures to the panel  
12 working with Mr. Fiske?

13 A Yes, sir.

14 Q Doctor, do you have specific training as a  
15 forensic pathologist?

16 A That's correct.

17 Q Could you describe for me what that was. Is that  
18 what you described in your earlier testimony to counsel?

19 A As part of my pathology training while I was in  
20 the Army plus the experience that I gained during wound  
21 ballistics team in Korea.

22 Q Doctor, who decides who will do a specific

1 autopsy in your office?

2 A It's dependent upon the availability of the  
3 pathologist.

4 Q So it could be -- how many pathologists are there  
5 in your office?

6 A Two counting myself.

7 Q And the other being Dr. Field?

8 A That's correct.

9 Q And would it be a decision that you would make or  
10 that you would make in conjunction with Dr. Field?

11 A There's no real decisionmaking. If there's an  
12 autopsy to be done, whoever is available does it and  
13 normally, we do them together.

14 Q Do you consult with the chief medical examiner in  
15 terms of who does the autopsy?

16 A No requirement.

17 Q Doctor, have you ever done an autopsy of a  
18 high-profile individual before?

19 A I don't normally keep track of them, but I  
20 imagine that I have.

21 Q And do you know if there are any standard  
22 operating procedures or protocols in your office concerning

1 autopsies of that sort?

2 A Doesn't make any difference whether they're a  
3 high-profile individual or someone of a lesser degree.  
4 They're all handled in the same manner.

5 Q You mentioned in some cases where the media might  
6 be involved, you sometimes contact the chief medical  
7 examiner at Richmond; is that right?

8 A I've never done that.

9 Q Is there a procedure that would require you to  
10 contact the chief medical examiner in any particular case?

11 A None.

12 Q Doctor, have you ever done an autopsy in the case  
13 of a suicide of a high-profile individual?

14 A I don't know what your definition of high-profile  
15 individual is. We handle them all in the same manner.

16 Q Doctor, did you personally make the determination  
17 that the Park Police should be present during the autopsy?

18 A That's a requirement of my office. Any time you  
19 have a gunshot wound and particularly one that might be of  
20 a suspicious character, the police have to be present  
21 during the autopsy. That holds true for all of the local  
22 jurisdictions, including the Park Police.

- 1 Q Is that a written policy?  
2 A No. It's been a stated policy over the years.  
3 They're all aware of it.  
4 Q Do you know if Officer Morrisette brought  
5 anything with him to the autopsy?  
6 A I don't keep a record of what they bring with  
7 them.  
8 Q Do you remember if he brought anything with him?  
9 A I have no notes or recollection.  
10 Q Is there anything in the file at the office that  
11 would help you to recall?  
12 A No.  
13 Q Doctor, you referred to the diagrams that you did  
14 in connection with the autopsy. Did you draw those  
15 diagrams?  
16 A During the performance of the autopsy.  
17 Q Did you show those diagrams to Officer  
18 Morrisette?  
19 A Not -- if he wanted to see them, I showed them to  
20 him but I have no recollection whether he asked to see  
21 them. They received a copy of the autopsy once it was  
22 finalized.
- 

- 1 Q Was there conversation during the autopsy between  
2 Dr. Field, Officer Morrisette and yourself?  
3 A Dr. Field was not present.  
4 Q Excuse me, between Officer Morrisette and  
5 yourself.  
6 A I indicated to him where the entrance wound was,  
7 where the exit wound was, and I thought there was a strong  
8 suspicion of powder debris around the entrance site.  
9 Q Did he respond?  
10 A Nothing unusual, no.  
11 Q Did you show him the diagrams as they were  
12 drawing them?  
13 A If he wanted to see them, he could see them.  
14 Q Did he give you any input into the diagram?  
15 A No. I make the diagrams.  
16 Q Doctor, you mentioned that the X-ray machine  
17 wasn't working during this particular autopsy. Is there an  
18 X-ray machine in the room where autopsies are performed?  
19 A There's one available in the autopsy suite. We  
20 had a new machine. It had not been operating properly. As  
21 I say, if I wanted to get an X-ray, I would have had to  
22 send the body back to another installation, which then

1 would have delayed the whole procedure for perhaps 24  
2 hours. Since it was a perforating wound, I decided to go  
3 ahead without the X-ray.

4 Q Doctor, are there any stated procedures  
5 concerning when an X-ray would be taken in an autopsy?

6 A We prefer to take one in all gunshot wounds.

7 Q And why is that?

8 A If it's a penetrating wound, it may help us in  
9 locating the missile. If it's a perforating wound, it  
10 would indicate, from the X-ray alone, that there was no  
11 missile present. But once you do the complete head  
12 examination and examination of the brain, you can rule out  
13 the presence or absence of a missile.

14 Q Doctor, how many X-ray machines are there in the  
15 autopsy suite?

16 A One.

17 Q Doctor, in how many cases involving a gunshot  
18 wound have X-rays not been taken in your experience?

19 A When our office was located physically at Fairfax  
20 Hospital, we were dependent upon the hospital X-ray  
21 department for coming down to the morgue. Therefore,  
22 sometimes they were busy in their hospital practice, so we

---

1 would not get an X-ray. In our present facility where we  
2 have an X-ray unit, we prefer to get an X-ray on all  
3 gunshot cases, as long as we have a functioning machine.

4 Q How often do you have equipment malfunction?

5 A We had almost immediate malfunction when we moved  
6 into the building with the unit. We sent it out for  
7 repair. It was out for repair for a considerable period of  
8 time, came back and malfunctioned almost immediately. It  
9 was only then that we could get a new unit. That unit did  
10 not produce readable X-rays for a period of time. Finally,  
11 we've had it repaired. Over the past year, it's been  
12 functioning very well.

13 Q Were there any gunshot wound autopsies during the  
14 period when the X-ray machine was out of the office?

15 A Yes.

16 Q And no X-rays were taken in those cases?

17 A That's right.

18 Q Doctor, did you consider having X-rays taken  
19 after -- having the body sent away for X-rays after the  
20 autopsy was completed?

21 A There would be no purpose. The head had already  
22 been opened and the brain had been removed.

1 Q Doctor, in your testimony earlier this morning,  
2 you used the expression concerning the gunpowder on both  
3 hands, that it was interpreted "grossly" as gunpowder.  
4 What does that mean?

5 A Grossly noted the appearance of a gunpowder  
6 residue.

7 Q But you didn't make any more specific  
8 identification than that?

9 A No, sir.

10 Q Doctor, are there other ways for pathologists to  
11 determine whether a body is left- or right-handed?

12 A One might look for callosities on the hand to  
13 indicate use of a particular hand, but other than that, I'm  
14 not familiar.

15 Q Doctor, what are callosities?

16 A Callouses.

17 Q And do you ordinarily make a determination of the  
18 left- or right-handedness, if you notice something during  
19 the course of an autopsy?

20 A It's certainly not a determination that we have  
21 to make.

22 Q Is it a determination that you sometimes make?

---

1 A Not from my findings.

2 Q Doctor, did you have to get the final autopsy  
3 report approved by the chief medical examiner before it was  
4 filed?

5 A That's not a part of our procedure, no, sir.

6 Q You mentioned that you had met with the  
7 pathologists working with Mr. Fiske.

8 A That's correct.

9 Q Did you review anything in advance of that  
10 interview?

11 A No.

12 Q Did you review the file in this case beforehand?

13 A Brought the file out with the slides and the  
14 photographs and made it available to him.

15 Q You mentioned that you had provided information  
16 to the panel working with Mr. Fiske. Do you recall what  
17 information that was?

18 A They were provided with a copy of the autopsy, a  
19 copy of the microscopic slides and a copy of the  
20 photographs.

21 Q Did they ask for any other information?

22 A No.

1 Q Why was the chief medical examiner at the scene,  
2 at the interview with the pathologists working with  
3 Mr. Fiske?

4 A Thought it might be appropriate, since those  
5 people were there, that she would be present.

6 Q Did you make that request that she be present?

7 A Yes.

8 Q Did you attempt a time of death analysis in the  
9 autopsy?

10 A No.

11 Q Why not?

12 A Number one, the body had been taken to a local  
13 hospital, put in their reefer and transported over to my  
14 place, so the usual findings are no longer present of any  
15 accurate degree.

16 Q Do you know if Dr. Haut attempted to make a time  
17 of death analysis at the scene?

18 A No, I do not.

19 Q Doctor, is it standard operating procedure not to  
20 attempt a time of death determination in an autopsy of this  
21 sort?

22 A It's difficult in most of our cases because

---

1 they're generally stored in a refrigerated area prior to  
2 the time I see them, which would alter any of the usual  
3 procedures for time of death.

4 Q What are the procedures for determining time of  
5 death, Doctor?

6 A Rigor, livor.

7 Q Did the Park Police request that you estimate the  
8 time of death?

9 A Not that I'm aware of.

10 Q Do law enforcement personnel generally request  
11 that you provide a time of death in your autopsy report?

12 A No.

13 Q Is it your practice never to provide a time of  
14 death analysis in your autopsy reports?

15 A We may assist them if it appears to be of a  
16 critical nature. Other than that, we don't put anything in  
17 the autopsy report.

18 Q What would your definition of a critical nature  
19 be?

20 A If one had a case where a body -- there was no  
21 definite information concerning when the individual had  
22 last been seen, who had contact with him, who had a phone



1 call with him, any indication about the last time they had  
2 intake of food and they were found under suspicious  
3 circumstances, then there might be some indication for  
4 attempting to make an estimate of time of death.

5 Q Do you think any of those factors were present in  
6 this case?

7 A Not that I was aware.

8 Q Did you subsequently become aware of whether any  
9 of those factors were present in this case?

10 A I made no determinations.

11 Q And you had no conversations with any law  
12 enforcement personnel concerning those factors?

13 A That's correct.

14 Q Doctor, are you aware of any standard operating  
15 procedures whereby the medical examiner on the scene would  
16 ordinarily make a time of death analysis?

17 A In our system, the medical examiner normally goes  
18 to the scene just to determine that there is an individual  
19 there and attempt at their approximation of the cause of  
20 death and attempt, if possible, the identification of the  
21 individual, and that is the extent of their investigation.

22 Q Does the attending medical examiner make findings

---

1 concerning rigor, livor, other indicia at the time of  
2 death?

3 A No.

4 Q Who does Dr. Haut report to, if you know?

5 A My office.

6 Q And you said he doesn't file any report on his  
7 experiences at the scene of a death?

8 A He submits a report of investigation.

9 Q And again, perhaps you've testified earlier, but  
10 what exactly is in that report?

11 A Name of the individual, address, Social Security  
12 number, employment, when the medical examiner was notified  
13 by either the police, the rescue squad or the hospital,  
14 when and where they saw the body and a short statement  
15 concerning the circumstances under which the body was  
16 found, and they then insert at some time the cause of death  
17 and manner of death, if that can only be determined by  
18 autopsy.

19 Q And did you have that report of Dr. Haut filed in  
20 hand before the autopsy?

21 A No.

22 Q When did he finalize or file that report?

1 A We received his report on July 30th.

2 Q Is it usual for there to be a time lag between  
3 the filing of the report by the medical examiner on the  
4 scene and the actual autopsy?

5 A Whatever time it takes them to prepare the report  
6 and submit it to our office, so there is a period of time.

7 Q Doctor, is it your testimony that your office  
8 would not make a determination as to -- or make an analysis  
9 as to time of death absent a specific request from law  
10 enforcement personnel?

11 A If they wanted assistance, we would furnish it to  
12 them. In this particular case, I have no record that was  
13 asked.

14 Q In your experience, in what format does that  
15 request usually come from a law enforcement personnel? How  
16 do they ask you if they want that information?

17 A As I indicated previously, either at the time of  
18 the autopsy or sometime prior to the performance of the  
19 autopsy.

20 Q Is that usually in writing or done over the  
21 telephone?

22 A Telephone.

1 Q In your experience, does your office get those  
2 kinds of requests in cases of violent death?

3 A Each case is individualized.

4 Q Doctor, what level or could you describe the  
5 level of rigor mortis you observed at the time of autopsy?

6 A Rigor was complete, color pale red.

7 Q Based on that information, would you be able to  
8 hazard an estimate of the time of death?

9 A Not accurately.

10 Q What kind of range?

11 A Generally rigor comes on in two to four hours.  
12 It's complete in eight to 12 hours and will state complete  
13 24 to 36 hours.

14 Q What would be other issues or concerns relating  
15 to time of death that you might take into account?

16 A Age of the individual, temperature in the area  
17 where they were found, whether they were wearing clothing,  
18 whether there were any bad undercovers. All of these can  
19 affect the onset and disappearance of rigor.

20 Q Did medical examiner Haut in this case note the  
21 temperature of the place where the body was found?

22 A No.

1 Q Is that unusual?

2 A I don't recall if anybody has ever asked them to  
3 do that.

4 Q Doctor, what degree of decomposition did you  
5 observe?

6 A I didn't indicate any degree of decomposition.

7 Q Did you observe any?

8 A I observed none.

9 Q In your experience, is that to be expected in a  
10 situation such as this where the autopsy was performed 24  
11 hours after the body was found?

12 A One would not expect to see any decomposition.

13 Q Why is that, Doctor?

14 A Because it doesn't come on that soon.

15 Q Doctor, did you notice any contusions or bruises  
16 on the shoulder, back or buttocks of the body?

17 A No.

18 Q Would that have been reflected in your report?

19 A If they were identified at the time of the  
20 autopsy, they would be in the report.

21 Q About how long does the identification process  
22 and the autopsy go on for, and by that, I mean describing

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1 what you see on the body, if you will?

2 A I don't understand the question.

3 Q Well, in the course of preparing the charts on  
4 which you describe sores, dry blood, black material, that's  
5 the result of your observation; is that right?

6 A That's correct.

7 Q And before you begin procedures on the body, I  
8 take it you do this observation?

9 A Depending upon the individual case, it can take  
10 anywhere from 10 minutes to an hour.

11 Q Do you remember how long it took in this case?

12 A Probably 15, 20 minutes.

13 Q And anything you noticed in that time would be  
14 indicated on the diagrams?

15 A That's correct.

16 Q Doctor, does the body arrive fully clothed in the  
17 autopsy suite?

18 A That again, is individualized, depending upon  
19 whether the clothing had been kept intact or whether it had  
20 been removed at the time it arrives in the emergency room.

21 Q What about in this case?

22 A The body was clothed.

1 Q Did you remove the clothing in the course of the  
2 autopsy?

3 A That's right.

4 Q Did you examine each piece of clothing as you  
5 removed it?

6 A I looked at it, then gave it over to the police  
7 for their examination.

8 Q Was there any conversation with Officer  
9 Morrisette in the process of providing him the clothing?

10 A Usual standard procedure. They take the  
11 clothing.

12 Q If you have any observations concerning soil,  
13 blood, debris on the clothing, would that be indicated in  
14 your report?

15 A I don't make any observations regarding clothing.

16 Q Was the clothing taken out of the autopsy room  
17 immediately after it was removed from the body?

18 A You'd have to ask the police.

19 Q You don't remember when it left the room?

20 A You'd have to -- I don't document that.

21 Q Well, you take the clothing off the body, don't  
22 you?

1 A That's correct.

2 Q And do you see where the clothing goes?

3 A I put it in a bag and transfer it to the police  
4 with a receipt.

5 Q Did you transfer it to Officer Morrisette with a  
6 receipt?

7 A That's correct.

8 Q Do you know if he left the room after he received  
9 the clothing?

10 A He left the room at the time of the completion of  
11 the autopsy.

12 Q Doctor, is it your testimony, then, that you  
13 never undertake or order any analysis of the clothing  
14 whatsoever?

15 A We do not have the facility for doing that.  
16 That's normally performed by other forensic scientists.

17 Q Did you have those facilities when your offices  
18 were located in Fairfax Hospital?

19 A No, we did not.

20 Q Doctor, could you describe briefly the samples  
21 that you requested to be taken from the body for further  
22 testing, the types of samples.

1 A One vial of blood, one vial of vitreous humor,  
2 one container of blood, one container of urine and one  
3 container of liver.

4 Q Did you have the fingernails scraped for debris?

5 A They didn't ask for that examination to be done.

6 Q Did you have the toenails scraped for debris?

7 A No.

8 Q Did you take body hair samples or head hair  
9 samples?

10 A I don't have the report that indicates what was  
11 transmitted to the Park Police. It could have contained  
12 head hair, a vial of blood, clothing.

13 Q Would a copy of that report of what was  
14 transported to the Park Police ordinarily be kept with the  
15 file of the autopsy?

16 A That's correct.

17 Q So would you have a copy of that in your office  
18 with the complete file?

19 A That's correct.

20 Q Could we get a copy of that?

21 A If you send us a subpoena.

22 Q Doctor, is it your testimony, then, that you

1 would not send items for analysis other than those that are  
2 indicated in your autopsy absent a specific request from  
3 law enforcement personnel?

4 A We only send the items that I collect at autopsy  
5 for analysis, which are those that I just indicated.

6 Q In your experience, are there other cases in  
7 which other types of things are sent for analysis, other  
8 than what are listed in this autopsy?

9 A Following the performance of the autopsy, we  
10 normally submit specimens for toxicology analysis.

11 Q And that's reflected on the report of the  
12 attached report?

13 A Certificate of analysis.

14 Q Is it your testimony that those are the standard  
15 tests that are done in every autopsy?

16 A That's correct.

17 Q How would additional tests be reflected if  
18 requested?

19 A Only if we have additional information that might  
20 indicate that we need tests that were beyond the normal  
21 scope of the forensic laboratory where we submit our  
22 specimens.

1 Q And what might that information be?

2 A Certain other toxicology tests or serological  
3 tests that might be indicated.

4 Q Could you be a little bit more specific, Doctor,  
5 about what kind of tests. I just don't understand what you  
6 just said.

7 A Further analysis of blood.

8 Q And what might be the situations in which those  
9 kinds of further analyses of blood would be requested, for  
10 example?

11 A If the police thought they would be of a critical  
12 nature in their investigation.

13 Q And the same might be true of other analyses of  
14 other body fluids or other body tissue?

15 A That's correct.

16 Q Doctor, did you notice any semen or ejaculate in  
17 the course of the autopsy?

18 A I made no record of such.

19 Q And if you had seen it, you would have made a  
20 record of it?

21 A Normally, no, because you see it in almost every  
22 autopsy.

---

1 Q Why is that, Doctor?

2 A Because when men die by various means, they may  
3 have a terminal ejaculation and you'll see semen at the tip  
4 of the penis.

5 Q And it's not related to traumatic death  
6 necessarily?

7 A It can be related to traumatic or natural.

8 Q But you'd expect to see it in almost every death  
9 of a male?

10 A It really has no significance.

11 Q Doctor, I'd like to refer to the charts attached  
12 to your autopsy, particularly the two of the head. I think  
13 you indicated that page 4 of the autopsy indicates the  
14 entrance and page 5 depicts the exit --

15 A That's right.

16 Q -- from the skull. Doctor, do you know what type  
17 of cartridge was involved in this case?

18 A At the time I did the autopsy, no, sir.

19 Q Would that have been information you normally  
20 would have had in an autopsy, in a violent death situation?

21 A Depending upon the circumstances, whether that  
22 information was available to the police when they came to

1 the autopsy.

2 Q But you wouldn't make any kind of determination  
3 based on what you saw?

4 A Normally, no.

5 Q When did you learn what kind of cartridge was  
6 responsible?

7 A I think only at the time that the people from  
8 Mr. Fiske's committee came.

9 Q And did you discuss your diagrams in the context  
10 of the type of cartridge?

11 A No.

12 Q Is that because -- is it your testimony it  
13 doesn't make a difference one way or the other from the  
14 point of view of your analysis?

15 A That's correct.

16 Q So, Doctor, in your experience, is the fracture  
17 line indicated on the diagram consistent with the kind of  
18 cartridge that was present here?

19 A Any time you have a missile penetrating or  
20 perforating through the cranial cavity, you have a  
21 temporary cavity effect which will cause extensive  
22 fracturing of the skull outside of the lines of entrance

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1 and exit, and that is typical in this case.

2 Q In that situation, Doctor, where a projectile has  
3 entered the skull, would there normally be bone fragments?

4 A Where?

5 Q In the head.

6 A You may find a few small fragments and as  
7 indicated in the other diagram, there is fracturing and  
8 fragmentation at the exit site.

9 Q Can you, in your experience, though, determine  
10 specific types of -- can you define an exit type by  
11 looking -- strike that.

12 By looking at a particular exit type, are you  
13 able to estimate what sort of cartridge or ballistic might  
14 have caused the particular damage?

15 A Not necessarily.

16 Q Are there some circumstances in which that would  
17 be possible?

18 A With certain types of cartridges, particularly  
19 those that are hollow point, those that may have a type of  
20 exploding tip to them, one may get some indication because  
21 of the degree of damage. Other than that, there's very  
22 little difference.

1 Q Have you done autopsies involving injury caused  
2 by .38 caliber cartridges?

3 A I'm sure I have, yes.

4 MR. DARMER: I'd like to take a short break while  
5 I review the document.

6 (Recess.)

7 MR. DARMER: Can we have this marked.

8 (Beyer Exhibit 5 identified.)

9 BY MR. DARMER:

10 Q Doctor, I'd like to hand you what's been marked  
11 as Deposition Exhibit 5. Would you take a look at it.  
12 Turn to page 3. Have you seen this article, by the way?

13 A I may have. I have no recollection of it.

14 Q At the bottom of page 3, there's a reference  
15 to -- there's a reference to the Park Service. Do you see  
16 that?

17 A Yes, sir.

18 Q Park Police, I guess. It also mentions your  
19 office.

20 MR. IVEY: By the way, what is this document  
21 since I don't have a copy of it?

22 MR. DARMER: Oh. Take a look at it.

1 MR. IVEY: Thank you. You're referring to this  
2 part?

3 MR. DARMER: This document is a  
4 computer-generated on-line copy of an article from, again,  
5 a news service, I guess. And I'm trying to refer the  
6 doctor to this second to last sentence.

7 MR. IVEY: This one?

8 MR. DARMER: Yes.

9 BY MR. DARMER:

10 Q The second to last sentence on the page, Doctor.

11 A Right.

12 Q Would you read that for the record.

13 A "State medical examiner for Fairfax County,  
14 Virginia has not yet told police the estimated time of  
15 death."

16 Q Doctor, does that suggest to you that it's  
17 ordinarily expected that the state medical examiner will  
18 provide a time of death to the police?

19 A Not necessarily.

20 Q And it's your testimony that the police didn't  
21 expect a time of death from your office in this case?

22 A I have no indication that that request was made



1 of my office.

2 Q Doctor, are you aware of any X-rays taken before  
3 the body arrived in your autopsy suite on the morning of  
4 the 21st?

5 A As far as I'm aware, none were taken.

6 Q Would you have been provided with them if they  
7 had been?

8 A Normally, they would have been furnished with the  
9 body.

10 Q When it arrived in the autopsy suite?

11 A That's correct.

12 Q Would you have been made aware of any activities  
13 concerning the body before it arrived at your autopsy  
14 suite, in other words, any touching, any viewing, any  
15 analysis of it from the time it left the crime scene to the  
16 time it arrived in your autopsy suite?

17 A The body was not taken from the crime scene to my  
18 office. It was taken to Fairfax Hospital. What they did  
19 at Fairfax Hospital, I have no record of.

20 Q In your experience, is that ordinary standard  
21 procedure, you would not be aware of anything that was done  
22 at Fairfax Hospital?

1 A I would be aware of it only if there was some  
2 indication in the examination of the body, and none was  
3 indicated in this case.

4 Q Doctor, you indicated that there were photos  
5 taken during the autopsy, and you provided those photos to  
6 the man working with Mr. Fiske?

7 A That's correct.

8 Q Do you still have copies of those photos?

9 A That's correct.

10 Q And they're in the file in your office?

11 A That's correct.

12 Q Doctor, did you notice any nonhuman fibers in the  
13 course of the autopsy, textile fibers, for example?

14 A I made no examination for such a purpose.

15 MR. DARMER: I don't have anything further.

16 MR. IVEY: I don't have any other questions  
17 either.

18 (Whereupon, at 11:00 a.m., the deposition was  
19 concluded.)  
20  
21  
22

CERTIFICATE OF NOTARY PUBLIC & REPORTER

63

I, JULIE BAKER, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn; that the testimony of said witness was taken in shorthand and thereafter reduced to typewriting by me or under my direction; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and, further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



Notary Public in and for the  
District of Columbia

My Commission Expires      SEPTEMBER 30, 1997



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## COMMONWEALTH of VIRGINIA

CENTRAL DISTRICT:  
NORTH 14TH STREET  
CHAMOND, VIRGINIA 23219  
(804) 786-3174

NORTHERN VA. DISTRICT:  
197 BRADDOCK RD.  
FAIRFAX, VA 22032  
(804) 784-4640

*Department of Health*

Office of the Chief Medical Examiner  
NORTHERN VIRGINIA DISTRICT

9797 BRADDOCK ROAD  
SUITE 100  
FAIRFAX, VIRGINIA 22032-1700

TIDEWATER DISTRICT:  
401 A. COLLEY AVE.  
NORFOLK, VA 23507  
(804) 663-8388

WESTERN DISTRICT:  
920 S. JEFFERSON ST.  
ROANOKE, VA 24006  
(703) 857-7290

September 21, 1994

Mr. Donald W. Riegle, Jr., Chairman  
United States Senate  
Committee on Banking, Housing, and Urban Affairs  
Washington, DC 20510-6075

## ERRATA SHEET

Page 7, Line 20

12 years (not 14)

Page 8, Line 17

Wound (not balloon)  
Spelling Error

Sincerely,

James C. Beyer, M.D.  
Deputy Chief Medical Examiner

## EXHIBITS

Exhibit 2

COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF HEALTH  
OFFICE OF THE CHIEF MEDICAL EXAMINER  
NORTHERN VIRGINIA DISTRICT  
8787 BRADDOCK ROAD  
SUITE 100  
FAIRFAX, VA 22032-1700  
PHONE (703) 764-4640



No. 353793  
7/21/93  
10:00 A.M.

## REPORT OF AUTOPSY

IDENT: VINCENT FOSTER  
First Middle Last

Authorized by: Dr. Donald Haut - Fairfax County

Persons Present at Autopsy:

Identified by: U.S. Park Police Tag - 7/20/93

James C. Beyer, M.D.; Det. James G. Morrisette, U.S. Park Police

complete X jaw \_\_\_\_\_ neck \_\_\_\_\_ arms \_\_\_\_\_ legs \_\_\_\_\_  
color pale red distribution: posterior  
48 Race W Sex M Length 76 1/2" Weight 197 Eyes hazel Pupils: R RRR L RRR  
Hair greying black Mustache no Beard no Circumcised yes Body Heat cool

Sign. Personal Effects, External wounds, scars, tattoos, other identifying features: See attached sheet.

## PATHOLOGICAL DIAGNOSIS:

CIRCULATORY SYSTEM: Heart, no evidence of hypertrophy, valvular or congenital abnormalities. Epi and endocardium, no evidence of fibrosis or inflammation. Coronary arteries, normal origin and distribution; no significant alteration all segments. Myocardium, no evidence of fibrosis, inflammation or infarction. Aorta, minimal atherosclerosis.

RESPIRATORY SYSTEM: Larynx, trachea and bronchi, no evidence of trauma, obstruction or inflammation. Lungs, pulmonary congestion; aspiration or blood. No evidence of inflammation or pulmonary artery emboli. Hemidiaphragms intact.

PERITONEUM: No evidence of trauma or inflammation.

PERITONEUM: No evidence of trauma.

ADRENAL AND THYROID GLANDS: No significant alteration.

BLADDER: No evidence of trauma, hemorrhage or inflammation.

URINARY TRACT: Kidneys, no evidence of trauma or inflammation. Urinary bladder and ureters, no significant alteration.

WOUND: Perforating gunshot wound - entrance in mouth in posterior oropharynx with wound track extending backward and upward with exit from back of head.

FOR PROFESSIONAL USE ONLY  
CONTENTS NOT TO BE DUPLICATED

Cause of Death:

PERFORATING GUNSHOT WOUND MOUTH - HEAD

Provisional Report \_\_\_\_\_

Final Report /

The facts stated herein are true and correct to the best of my knowledge and belief.

July 28, 1993  
Date Signed

NO VA ME OFFICE  
Place of Autopsy

J. C. Beyer  
Signature of Pathologist  
James C. Beyer, M.D.



Form No. 10 - Revised 6/89

A COPY TESTE: JUL 28 1993  
J. C. Beyer

## GROSS DESCRIPTION

Intact, smooth and glistening.

350 gm. No valvular or congenital abnormalities. Epi and endocardium, thin and transparent. Coronary arteries, normal origin and distribution; right coronary artery predominant; no significant alteration all segments. Right ventricle 3 mm.; left 13 mm. The myocardium is intact and grossly free of any signs of fibrosis, inflammation or infarction. Aorta, minimal arteriosclerosis.

Right 870 gm.; left 840 gm. Larynx, trachea and bronchi, intact and free of trauma, obstruction or inflammation. Both lungs are intact and on section there is extensive congestion as well as aspiration of blood. No evidence of inflammation or pulmonary artery emboli. Hemidiaphragms intact.

1640 gm. Capsule is intact and smooth and the free edges are sharp. On section there is no evidence of trauma, fibrosis or nodularity.

No significant alteration.

130 gm. Capsule intact.

No significant alteration.

Stomach contains a considerable amount of digested food material whose components cannot be identified. No evidence of hemorrhage or inflammation.

140 gm. each. The capsules strip with ease to reveal an intact pale smooth surface. No trauma or inflammation.

Wall intact; urine clear.

No significant alteration.

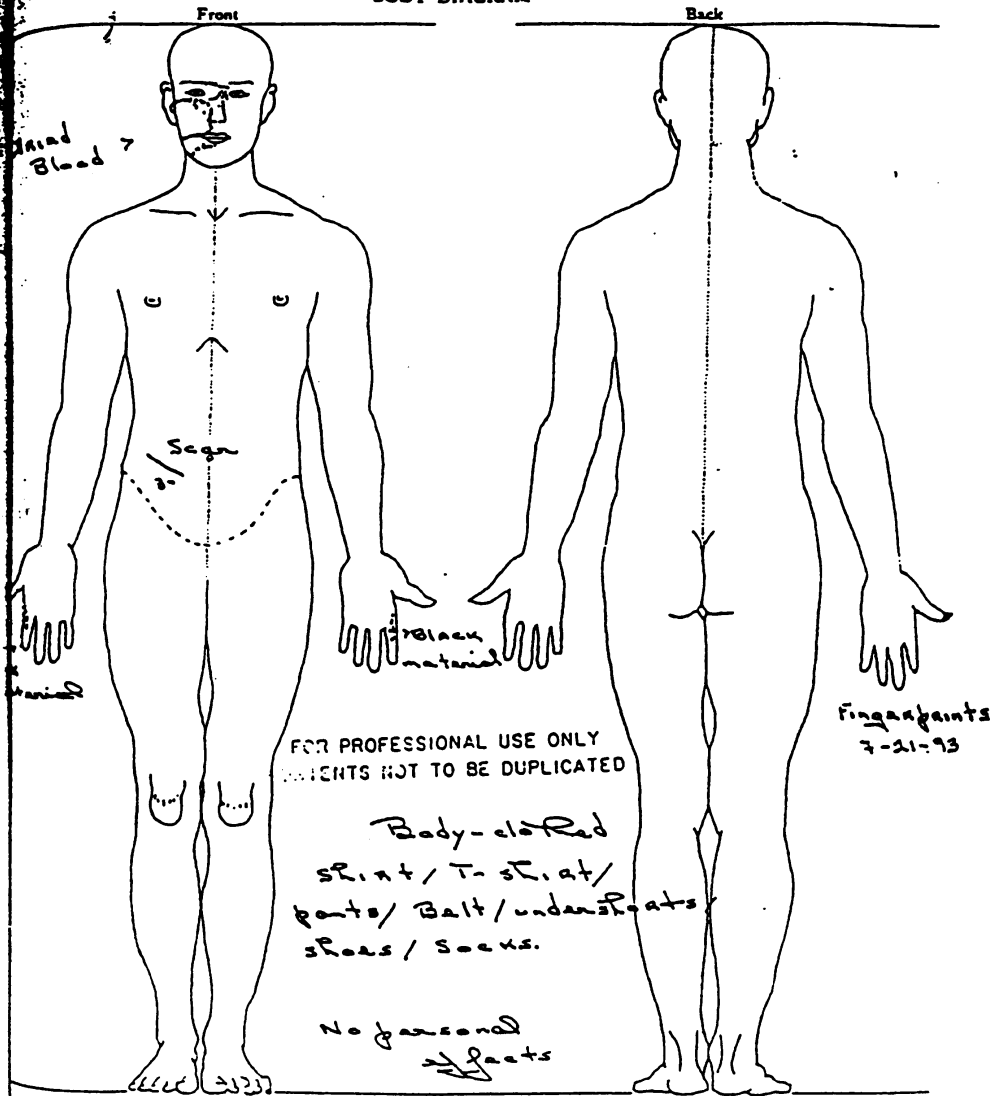
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CONTENTS NOT TO BE DUPLICATED

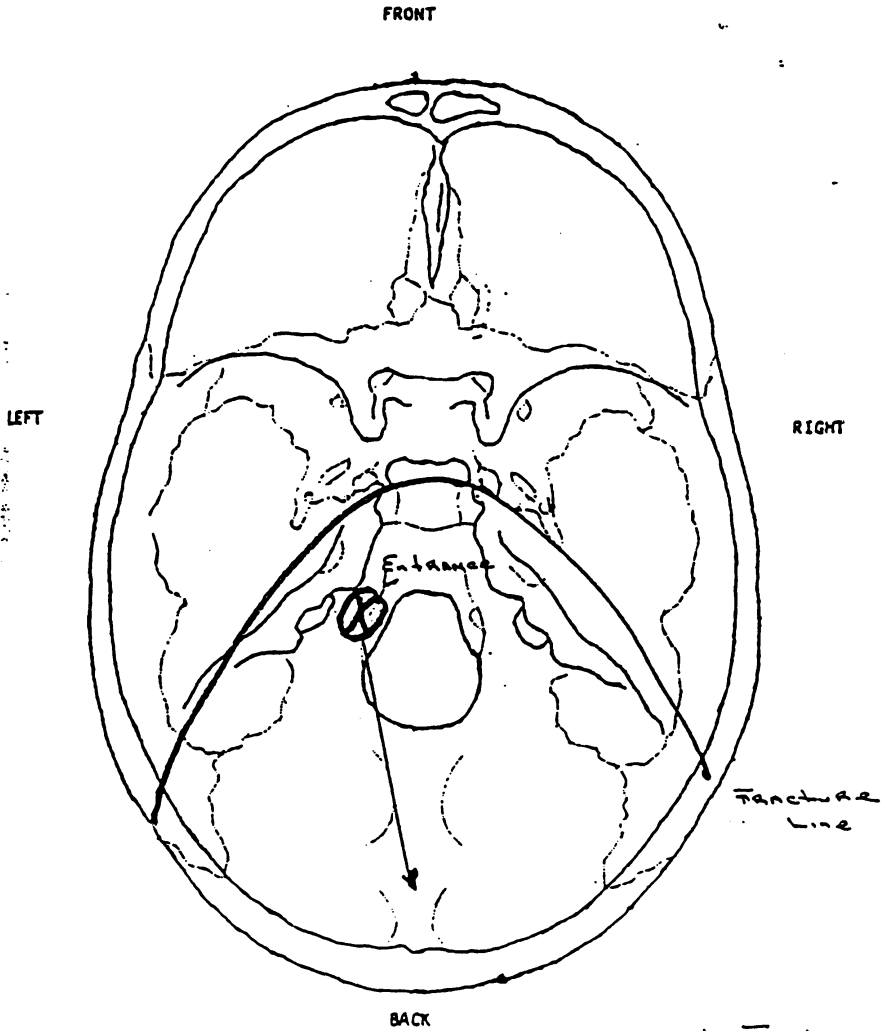
1420 gm. Perforating gunshot wound mouth-head; entrance wound is in the posterior oropharynx at a point approximately 7½" from the top of the head; there is also a defect in the tissues of the soft palate and some of these fragments contain probable powder debris. The wound track in the head continues backward and upward with an entrance wound just left of the foramen magnum with tissue damage to the brain stem and left cerebral hemisphere with an irregular exit scalp and skull defect near the midline in the occipital region. No metallic fragments recovered.

Section of lung reveals alveolar filling by red blood cells; in the liver 3 to 4% of liver cells contain fat vacuoles. Sections of soft palate positive for powder debris.

cont  
8/92

## BODY DIAGRAM



C-11  
8/1/92FOR PROFESSIONAL USE ONLY  
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Vincent Foster

D. C. Bayan

7-21-93

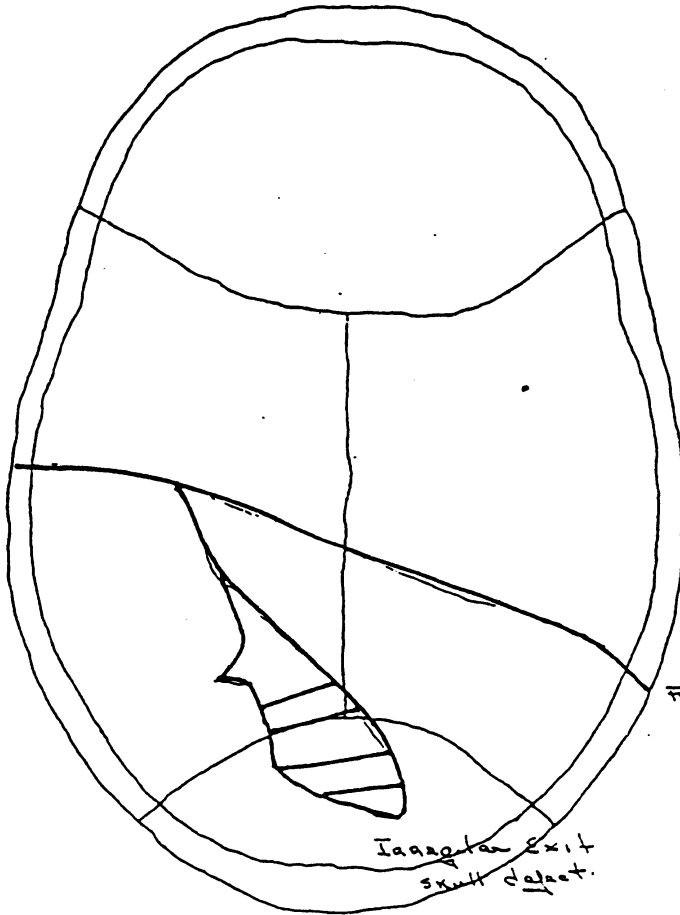
copy  
8/7/93

FRONT

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LEFT

RIGHT



Fracture  
Line

Trajectory Exit  
skull defect.

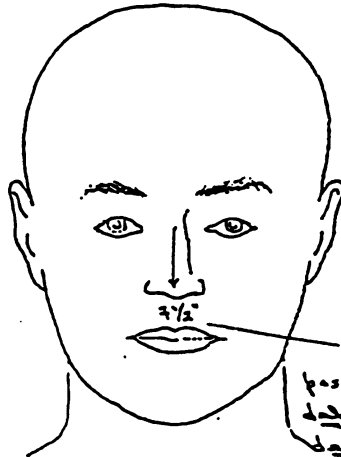
BACK

Vincent Foster

26  
P.O. Bayer 7-21-93

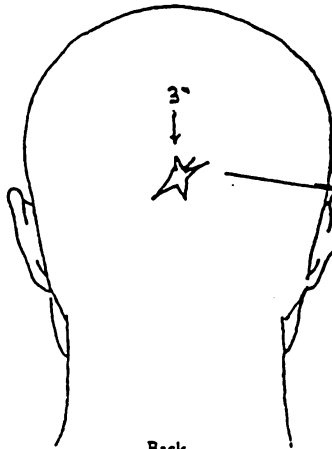


## BODY DIAGRAM—HEAD

cont  
5/1/43

Front

Entrance - mouth -  
posterior oropharynx - large  
defect - soft palate  
defect / powder debris  
identified.



Back

Perforating  
Gunshot wound

Exit wound -  
Irregular wound  
1 1/4 x 1"

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CONTENTS NOT TO BE DUPLICATED

Decedent's Name Vincent Foster

Examined

By

P. C. Ryan

Date 3-21-93

## GUNSHOT WOUND CHART

Ceph  
date

Vincent Postan City or County Trinidad

|                                      |                  | WOUND NO. |     |      |     |      |     |      |     |      |     |      |     |
|--------------------------------------|------------------|-----------|-----|------|-----|------|-----|------|-----|------|-----|------|-----|
|                                      |                  | 1         |     | 2    |     | 3    |     | 4    |     | 5    |     | 6    |     |
|                                      |                  | Est.      | Ex. | Est. | Ex. | Est. | Ex. | Est. | Ex. | Est. | Ex. | Est. | Ex. |
| 1. Location of wound:                | Head             | mouth     |     |      |     |      |     |      |     |      |     |      |     |
|                                      | Neck             |           |     |      |     |      |     |      |     |      |     |      |     |
|                                      | Chest            |           |     |      |     |      |     |      |     |      |     |      |     |
|                                      | Abdomen          |           |     |      |     |      |     |      |     |      |     |      |     |
|                                      | Back             |           |     |      |     |      |     |      |     |      |     |      |     |
|                                      | Right Arm <      |           |     |      |     |      |     |      |     |      |     |      |     |
|                                      | Left Arm <       |           |     |      |     |      |     |      |     |      |     |      |     |
|                                      | Right Leg <      |           |     |      |     |      |     |      |     |      |     |      |     |
| 2. Size of wound:                    | Diam.            |           |     |      |     |      |     |      |     |      |     |      |     |
|                                      | Width            | 1         |     |      |     |      |     |      |     |      |     |      |     |
|                                      | Length           | 1 1/4     |     |      |     |      |     |      |     |      |     |      |     |
| 3. Inches from wound to:             | Top of head      | 7 1/2     |     |      |     |      |     |      |     |      |     |      |     |
|                                      | Right of midline | 3         |     |      |     |      |     |      |     |      |     |      |     |
|                                      | Left of midline  | 2 1/2     |     |      |     |      |     |      |     |      |     |      |     |
| 4. Powder burns:                     | On skin          | P. 2 1/2  |     |      |     |      |     |      |     |      |     |      |     |
|                                      | Clothing         | P. 2 1/2  |     |      |     |      |     |      |     |      |     |      |     |
|                                      | Absent           |           |     |      |     |      |     |      |     |      |     |      |     |
| 5. Direction of bullet through body: | Backward         | ✓         |     |      |     |      |     |      |     |      |     |      |     |
|                                      | Forward          |           |     |      |     |      |     |      |     |      |     |      |     |
|                                      | Downward         |           |     |      |     |      |     |      |     |      |     |      |     |
|                                      | Upward           | ✓         |     |      |     |      |     |      |     |      |     |      |     |
|                                      | To right         |           |     |      |     |      |     |      |     |      |     |      |     |
| 6. Bullet found:                     | Calibre          | —         |     |      |     |      |     |      |     |      |     |      |     |
|                                      | Shotgun          |           |     |      |     |      |     |      |     |      |     |      |     |

Photographs made: Yes ☒ No ☐X-rays made: Yes ☒ No ☐

REMARKS:

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Examined by: H. C. P. O. U. S. A.

2-21-93



Commonwealth of Virginia  
Department of General Services  
**DIVISION OF FORENSIC SCIENCE**

**CERTIFICATE OF ANALYSIS**

July 26, 1993

ORIGINAL  
JUL 1993  
Received  
Northern Laboratory  
9797 Braddock Road # 100  
Fairfax, Virginia 22032  
Tel. No. (703) 764-4600  
Fax: (703) 764-4633  
TDD/Voice: (804) 786-6152

DR JAMES C BEYER  
OFFICE OF THE CHIEF MEDICAL EXAMINER  
NORTHERN VIRGINIA DISTRICT  
9797 BRADDOCK ROAD # 100  
FAIRFAX VA 22032

cc: Dr. Haut

Case # 93-353

FS Lab # NL93-4271

Victim(s): POSTER, Vincent

Specimen(s): - - -

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CONTENTS NOT TO BE DUPLICATED

Evidence Submitted By: Dr. J. C. Beyer

Date Received: 7/21/93

Evidence had been sealed upon receipt.

1 vial blood, 1 vial vitreous humor, 1 container blood,  
1 container urine, 1 container liver.

**RESULTS:**

BLOOD, VITREOUS HUMOR AND URINE: Negative for alcohols and ketones.

BLOOD: - Phencyclidine, Morphine, Cocaine and Benzoyllecgonine: NOT DETECTED.

- Other alkaline extractable drugs (benzodiazepines, synthetic narcotics,  
tricyclic antidepressants and analgesics): NOT DETECTED.

- Acidic and neutral drugs (salicylates, barbiturates, hydantoins, carbamates  
and glutethimide): NOT DETECTED.

URINE: - Drug screen (salicylates, phenothiazines and ethchlorvynol): NOT DETECTED.

**TEST:**

Certify that I performed the above analysis or examination as an employee of the Division of Forensic Science and that  
above is an accurate record of the results of that analysis or examination.

*Ann N. Huynh*  
Ann N. Huynh, Pharm.D.  
Toxicologist

JH/ps

A COPY TESTED: JUL 29 1993  
*J. C. Beyer*  
Assistant Chief Medical Examiner

## Exhibit 3

**FORENSIC PATHOLOGY AND MEDICAL EXAMINER-RELATED FINDINGS AND  
CONCLUSIONS PERTAINING TO THE INVESTIGATION OF THE DEATH OF  
VINCENT W. FOSTER, JR.**

We were provided unrestricted access to all available investigative and scientific information and materials regarding the death of Vincent W. Foster, Jr., including information developed by the United States Park Police, the Federal Bureau of Investigation and the FBI Laboratory, the Office of the Chief Medical Examiner, Commonwealth of Virginia, and its Northern Virginia District Office, and the Office of the Independent Counsel. We examined photographs taken at the scene of death and during the course of the postmortem examination, and microscopic slides prepared from tissues obtained at autopsy. We discussed the investigative and scientific findings of the case with the investigative and laboratory personnel responsible for each aspect of the investigation.

The analysis and conclusions of our review, as discussed below, were arrived at separately and independently by each of us.

**ISSUES AND CONCLUSIONS**

**1. CAUSE AND CIRCUMSTANCES OF DEATH**

The bullet wound of Mr. Foster's head and brain, with its vital reaction, represents the definitive cause of his death.

The postmortem findings demonstrated in this case are typical and characteristic of such findings in deaths due to intentional self-inflicted intraoral gunshot wounds. Following complete postmortem examination, there was no other trauma identified that would suggest a circumstance other than suicide. In addition, it is exceedingly unlikely that an individual of Mr. Foster's physical stature (6 feet 4 1/2 inches in height, 197 pounds in weight) could have been overcome by an assailant inflicting an intraoral gunshot wound without a struggle and there not to have been some other injury sustained at the time.

**2. BULLET PATH**

The large quantity of gunpowder residue present on microscopic sections of the soft palate indicates that Mr. Foster placed the barrel of the weapon into his mouth with the muzzle essentially in contact with the soft palate when he pulled the trigger. Recovery of Foster's DNA type from the muzzle of the revolver by the FBI Laboratory is strong supportive evidence that associates the weapon with the deceased. The absence of visible blood on the revolver is not inconsistent with the self-inflicted



et wound he sustained. Visual or chemical identification of the weapon in gunshot wound suicides is a common but by no means universal finding. There were no flame burns from the blast identified within the mouth, nor would injury of this type necessarily be expected.

The bullet perforated the soft palate, entered the cranial cavity directly to the left of the foramen magnum, contused the left side of the brainstem, grazed the medial aspect of the left cerebral hemisphere and exited through the occipital skull and scalp. This wound caused instantaneous, complete incapacitation, followed by clinical death within a matter of minutes. There was a secondary, ring-like fracture of the skull, a common associated finding in such cases, that extended symmetrically from the base of the skull across the calvarium.

#### LOCATION OF FATAL EVENT

It is our opinion that the death occurred where the body was found at Fort Marcy Park, Virginia. The relatively pristine nature of the exposed skin surfaces of the deceased and of his clothing precludes any other scenario. Substantially greater contamination of skin surfaces and clothing by spilled and/or smeared blood would have been unavoidable, had the body been transported postmortem to the place where it was found. Precisely such contamination was, in fact, documented following actual transport of the body from the scene of death to Fairfax Hospital, and from there to the medical examiner's office. There was no such contamination when the body was examined and photographed at the scene.

#### 4. TIME OF DEATH

Given the limitations of available information, it is not possible further to define the postmortem interval than within the broad range of when the deceased was last seen alive to the time the body was discovered.

#### 5. TOXICOLOGY

Toxicological examination by the FBI Laboratory of blood obtained at autopsy revealed trace amounts of trazodone and small quantities of diazepam (Valium) and its metabolite, nordiazepam. The finding of trazodone, an antidepressant, confirms the history of Foster's taking a single tablet the evening prior to his death from a prescription ordered by his doctor earlier that day. There was no alcohol or any other toxic substance in Foster's body.

#### POSITION OF THE BODY

The deceased was found supine, with his arms and legs extended. Given the steep (approximately 45 degree) slope on which his body was resting, we believe that he was seated when the weapon was discharged. After firing the weapon, because of the sloped terrain, he would have fallen backward, with his arms falling to their respective sides by gravity, aided on the right by the weight of the revolver affixed to his thumb (see below, Number 8). Had he been standing, he would not have ended up in the orderly position in which he was found. Had he been lying down, it is likely that the bullet would have been recovered from the ground beneath his head. It was not. Bullet-generated trauma to the brainstem would have rendered Mr. Foster instantly unconscious and unresponsive.

Although the amount of extravasated blood at the scene of death was characterized by some observers as being less than the expected quantity, a pool of blood was, in fact, found under the head of the deceased when the body was turned, and the upper back of his shirt was noted to be blood soaked. These observations notwithstanding, any relative lack of extravasated blood can be readily explained by the position of the body on the steeply inclined slope, with blood settling postmortem to the dependent portions of the body, i.e., below the level of the head wounds, and by the prompt cessation of cardiovascular activity incident to the bullet wound injury of the brainstem.

#### 7. POSITION OF THE HEAD

According to multiple observers at the scene, the head was facing forward when Foster's body was found, an observation confirmed in scene photographs. There were linear blood stains coursing across the right side of the face, emanating from the nose and mouth. A broad transfer-type blood smear was present at the right side of the chin and neck, precisely corresponding to a similar blood stain of the right collar area of the shirt. For obvious reasons, the head must have been facing to the right when the body was found or have been turned to the right when the body was being examined at the scene. In either circumstance, blood accumulated in the nose and mouth from the bullet defect of the soft palate and base of the skull would have spilled over the face and soiled the right shoulder and collar of the shirt. The finding of the head facing forward and the right sided blood stains are mutually exclusive. We conclude that a rightward tilt of his face was changed to a forward orientation by one of the early observers before the scene photographs were taken.


#### 8. POSITION OF THE WEAPON

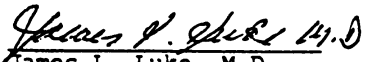
Scene and autopsy photographs demonstrate that Mr. Foster's right thumb was trapped and compressed between the trigger and


the front of the trigger guard. In addition, there was gunpowder residue on the surface of his right index finger facing the thumb, extending from the distal joint to the web area of the thumb and, according to the autopsy report, similar material, but of lesser quantity, at the corresponding aspect of the left index finger. With the barrel of the revolver placed into the decedent's mouth, the only source of such gunpowder would be the gap between the cylinder and the frame of the weapon. Multiple test firings of the revolver in the FBI Laboratory conclusively demonstrated that gunpowder residue escapes from its cylinder gap. The laboratory studies and the anatomic findings indicate that Mr. Foster's index fingers were in the vicinity of the cylinder gap when the weapon was fired. In addition, flecks of scattered stippled material were observed on the skin surfaces of the lower face in scene photographs and in those autopsy photographs taken before these surfaces were washed. Washing markedly reduced their number. The origin of this material, i.e., whether it represents gunpowder residue, blood spatter or some other foreign material, is uncertain.

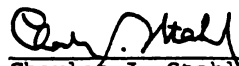
#### SUMMARY

We conclude that Mr. Foster died from a self-inflicted bullet wound delivered with suicidal intent and that the death occurred where the body was found, at Fort Marcy Park, Virginia.

  
Charles S. Hirsch, M.D.  
 Chief Medical Examiner, City of New York  
 New York City, New York

  
James L. Luke, M.D.  
 Department of Environmental Pathology      Investigative Support Unit  
 Armed Forces Institute of Pathology      FBI Academy  
 Washington, D.C.      Quantico, Virginia

  
Donald T. Reay, M.D.  
 Chief Medical Examiner  
 King County (Seattle), Washington

  
Charles J. Stahl, M.D.  
 Armed Forces Medical Examiner  
 Armed Forces Institute of Pathology  
 Washington, D.C.

## Exhibit 4

102 (Rev. 3-10-82)

**CONFIDENTIAL**

- 1 -

## FEDERAL BUREAU OF INVESTIGATION

Date of transcription 4/6/94

On April 4, 1994, Dr. JAMES L. LUKE provided the Office of the Independent Counsel, Washington, D.C. (WDC) with the results of his autopsy review related to the death of VINCENT FOSTER, JR., former Deputy Counsel, The White House. Dr. LUKE questioned Dr. JAMES C. BEYER, Deputy Chief Medical Examiner, Northern Virginia District, in the course of his review. The results of Dr. LUKE's review are attached and made a part of the record hereto. D

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Investigation on: 3/31/94 at Washington, D.C. File # 29D-LR-35063

01C 000098

By: \_\_\_\_\_ Date dictated: 4/6/94

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency;



**CONFIDENTIAL**

Thursday, March 31, 1994, 11:15 AM-1:00 PM

Interview with Dr. James C. Beyer, Deputy Chief Medical Examiner,  
Northern Virginia District

Present at interview:

Mr. Lankler, , Mr. Norman, Dr.  
Fierro, Dr. Field, Dr. Stahl, Dr. Luke.

Autopsy of Vincent W. Foster, Jr., July 21, 1993

Time autopsy commenced: Approximately 10 AM, July 21, 1993.

Individuals present at autopsy: Per autopsy report.

Identification by fingerprints. Height measured, body weighed.

Clothing:

General: Clothing intact and without evidence of tearing or soiling, save for blood staining.

Shirt: Open at the collar. No obvious evidence of gunpowder residue or blood spatter at chest portion or sleeves.

Pants: Zipped and belted. Otherwise unremarkable.

Underclothes: No stains or defects.

Shoes/socks: Not remarkable.

External Examination

EMT intervention: No evidence of intervention. No endotracheal tube or airway. No venapuncture sites or EKG patches.

Signs of death: Rigor present and complete. Lividity noted posterior.

Postmortem changes: None. No blow fly eggs present.

Face: No evidence of trauma. No evidence of gunpowder residue, soot or stippling. Dried blood present on right side of face, per diagram and scene photographs. No evidence of stretching abrasions, contusions or lacerations.

Conjunctivae: No evidence of blood spatter, gunpowder residue, hemorrhage or petechiae.

Nose: Unremarkable.

Lips: No evidence of trauma externally or on examination of the buccal mucosal surfaces. No gunpowder residue identified.

OIC 000699

Teeth: Intact. No evidence of fractures or chipping. No gunpowder residue identified.

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Mandible: Intact on gross examination.

Hard palate: Intact and without evidence of gunpowder residue.

Soft palate: Pathology per autopsy report. Entrance wound at central midline soft palate, 7 1/2 inches below top of head, directly beyond junction with hard palate. Abundant gunpowder residue, with contusion hemorrhage.

Bullet course: Penetrates skull, to left of foramen magnum. Internal beveling not appreciated. Penetrates brain stem (medulla) and medial aspect of left cerebral hemisphere. No gunpowder residue noted to involve skull, dura or central nervous system. Exit through comminuted central occipital skull defect at posterior occiput. Cross-hatched area in diagram represents fragments of bone not identified. Scalp exit wound stellate, measuring 1 1/4 x 1 inch, located 3 inches below top of head. No evidence of shoring at exit site.

Other skull fractures: Symmetrical, linear fractures of anterior aspects of posterior fossa, extending through sella turcica and coursing across both parietal regions of calvarium diagonally, anterior left to posterior right. Linear fracture extending from bullet exit site at occiput terminates at central left parietal fracture line.

#### Upper extremities:

Hands: No evidence of trauma. Fingernails intact and without evidence of tearing. Fingernails not scraped. Dark colored, foreign material consistent with gunpowder present at lateral aspects of index fingers, in greater quantity on right than left.

Forearms/arms: No trauma.

#### Lower Extremities:

Feet/legs: Unremarkable

Abdomen: Right lower quadrant surgical scar.

Back: Unremarkable

Genitalia: No evidence of trauma or other abnormality.

Anus: No evidence of trauma or other abnormality.

Internal Examination

Pericardium: No pathology.

Pleural cavities: No pathology.

Peritoneum: No pathology.

Heart: weight 350 gm. No significant atherosclerosis or luminal compromise of coronary arteries. Cardiac valves intact and normal. Myocardium demonstrates no evidence of pathology.

Aorta: Minimal atherosclerosis.

Lungs: weight, left 840 gm., right 870 gm. Congestion and edema, with aspiration of blood into lower respiratory tract.

Neck: No evidence of trauma. Strap muscles unremarkable. Thyroid cartilage and hyoid bone intact and normal. Thyroid gland unremarkable.

GI tract:

Tongue: No evidence of gunpowder residue on surface or of contusion on sectioning.

Stomach: Contains an unspecified amount of partially digested food whose specific character cannot be determined. No identifiable food material is present.

Small intestine/large intestine: Unremarkable.

Liver: weight 1640 gm. Dark red brown, with no gross evidence of fatty change or other pathology. Gallbladder normal.

Pancreas: Unremarkable.

Spleen: weight 130 gm. No evidence of trauma.

Adrenal glands: Unremarkable.

Kidneys: weight, left and right 140 gm. each. No pathologic abnormalities.

Bladder: Contains an unspecified amount of clear yellow urine.

Prostate gland: Unremarkable on section.

Testes: Not examined.

Scalp: No evidence of trauma other than that associated with the bullet wound of exit at the midline occiput.

**CONFIDENTIAL**

Skeletal system: No evidence of trauma. The ribs, vertebral column and pelvis are intact and normal. The skull fractures associated with the bullet wound trauma have been previously described.

Brain: weight 1420 gm. No evidence of trauma other than that associated with the bullet wounds of midbrain and left cerebral hemisphere. No other pathology noted.

Toxicology: Blood, vitreous fluid, liver and urine submitted. No alcohol or other drugs identified.

Other laboratory analyses: None.

Documentation:

Diagrams: Included with autopsy report.

Photographs, polaroid: 13

35 mm: 14

X-ray: None, machine inoperative at time of autopsy.

Microscopic slides: 5 slides. Includes 13 sections of soft palate, 4 sections of brain, and one section each of heart, lung and liver.

The soft palate sections demonstrate large quantities of black foreign material at the mucosal surfaces, consistent with gunpowder residue. The lung section demonstrates regional intraalveolar hemorrhage. The sections of heart and liver reveal no significant pathology.

Paraffin blocks: 5 blocks, 3 of soft palate.

Time autopsy completed: Approximately 11 AM, July 21, 1993.

**CONFIDENTIAL**

Exhibit 5

LANGUAGE: ENGLISH

LOAD-DATE-MDC: August 5, 1993  
July 23, 1993, Friday

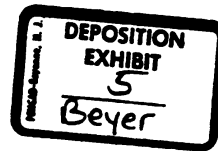
LENGTH: 1670 words

HEADLINE: JEFFREY STINSON; JOHN HANCHETTE

BYLINE: JEFFREY STINSON; JOHN HANCHETTE; Gannett News Service

DATELINE: WASHINGTON

BODY: The last thing Vincent Foster - boyhood friend of the president, No. 2 White House counsel and the First Lady's law partner - saw Tuesday afternoon was a dark and dank narrow path leading to the suburban Virginia woods.



The steep entry to the dirt path, in front of a plugged cannon at the site of an old Civil War fort a few miles west of Washington, is where Foster's 48-year-old body was found by police at about 6:15 p.m.

He was shot through the mouth. A 1913, .38-caliber Colt Army revolver was found at the fingertips of his right hand. Police put him down as an apparent suicide.

How one of the nation's most influential people - buried Friday in his and the president's boyhood home of Hope, Ark. - ended up dead in a forest at the apparent pinnacle of his career is a mystery.

~~Almost no one, not even his mother, detected anything different about him lately. Certainly nothing to lead him to take his own life.~~

~~"She hadn't seen anything," said Dennis Ramsey, the mayor of Hope, who talked Wednesday with Foster's mother, Alice Mae. "There were no signs there.~~

~~"It's one of those things you can't explain but you have to accept."~~

Likewise, there are unexplained details of how Foster, who stood with the president Tuesday morning in the White House Rose Garden for the announcement of a new nominee to head the FBI, ended up just where he did.

How did he find the obscure park? Where did he get the gun? Who found the body and called police? What did he do between the time he left the White House at about 1 p.m. and his death about four hours later?

Everything about Vincent W. Foster Jr.'s background seems to belie his ignominious death in the corner of an out-of-the-way park, where only a splotch of blood-stained dirt is left to mark the end of a man at the apex of his profession.

Like the president he served, Foster is a product of small-town Arkansas. His parents' house was right in back of Bill Clinton's grandparents. He and a young Clinton played mumbletypeg. Foster, Clinton and White House chief of staff Thomas F. "Mack" McLarty III - a sort of Three Musketeers from Hope in the White

PAGE 7 GANNETT NEWS SERVICE, July 23, 1993

House - attended Miss Mary's kindergarten together.

Like Clinton and McLarty, Foster was exceptional all his life. He was a star basketball player in high school and student body president a year before McLarty was. He got a bachelor's degree in psychology from Davidson College and finished first in his University of Arkansas Law School class. He was No. 1 on the bar exams. He joined the blue chip Rose Law Firm in Little Rock in 1971 and made partner two years later. He was recently named Lawyer of the Year for Arkansas.

"He was top of the line," said Michael Booker, a Little Rock attorney who worked closely with Foster at the Rose Law Firm.

In 1977, Foster helped recruit the wife of his childhood playmate, Hillary Rodham Clinton, to the Rose firm and began a friendship with the nation's first lady that may have been closer than the one he had with his old boyhood chum.

As a fellow partner, Foster helped tutor Mrs. Clinton in the ways of successful corporate legal work. His earnings from the law firm alone last year were \$ 295,000. They often worked on cases and represented clients together.

He was someone both Clintons could lean on. The "rock of Gibraltar" is how the president described Foster on Wednesday. And thusly, the new president and first lady brought Foster to Washington with them.

So what led someone so solid to commit suicide six months after entering the sanctum sanctorum of the White House?

Theories abound: That Foster was "clinically depressed" and nobody saw the signs, that the small-state lawyer wasn't up to politically pressure-packed job in Washington, or that some sort of scandal involving him was about to be exposed.

But so far, no suicide note has been found to explain it. And neither of his boyhood friends - Clinton or McLarty - can account for it.

"We really can never fully know a person's private pain and what might lead them in their thought process, even a person we have known all of our lives," McLarty said.

"I don't think that any of us will ever know exactly why his life ended the way it did," said the president Friday. "But today I think that we should all determine not to judge his life solely by the way it ended. He was a terrific friend, a great father, a great husband, a great lawyer.

He was one of the ablest and best people I ever knew in my life. That's what makes this day the more painful."

After Foster's death, Clinton gathered his staff and warned them not to become consumed by their work. "Remember," he said, "that we're all people and that we have to pay maybe a little more attention to our friends and our families and our co-workers, and try to remember that work cannot be the only thing in life."

U.S. Park Police, who found the body after an anonymous 911 phone call, continued to lead the investigation, with Justice Department personnel backing

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them up.

Park police spokesman Maj. Robert Hines said forensic tests showed only one bullet was fired from the Colt revolver, and it was the one found in Foster. He would not talk about gunpowder traces or fingerprints, but said police are "still 99 percent sure" Foster killed himself. ?  
o

Hines said police are trying to find out where Foster got the gun. He said the autopsy results may not be made public unless the death turns out to be a homicide: "That's our policy out of personal concern for the family in a suicide. It can be pretty gory."

Phone logs of Foster's last calls are being examined, and "we're mostly trying to find evidence that there was no foul play - everybody seems to be dreaming up stuff."

Hines said police believe Foster "sat on the side of that little ravine" and fired the shot around 5 p.m. - or shortly after - on Tuesday afternoon.

"My estimation is somebody found him not too long after it happened," said Hines. "I've seen enough of them to tell you he'd been there less than three hours. Whoever found him probably took off after their phone call and kept right on going."

The state medical examiner for Fairfax County, Va., has not yet told police the estimated time of death.

The 5 p.m. guess by park police creates some questions, since at least



two other cars besides Foster's were in the parking lot of the park before police arrived shortly after the 6:02 p.m. 911 phone call. One was driven by picnickers who arrived about 4:55 p.m. The other was driven by a lobbyist for the American College of Emergency Physicians, who pulled into the park shortly before 6 p.m. when the accelerator cable on her Mercedes detached.

Both the lobbyist and the picnickers remember seeing Foster's 1989 Honda Accord in the last parking slot in the lot when they arrived. Neither heard a gunshot - not unusual with the heavy foliage and noise of passing traffic, said police.

By all accounts, Foster's family life was a happy one. He and his wife, Lisa, moved into a home in northwest Washington. Other family was nearby; his sister, Sheila Foster Anthony, wife of former Rep. Beryl Anthony, D-Ark., was an old Washington hand and had joined her brother in working in the administration, as an assistant attorney general. Foster was seen showing his children - Vincent III, 21, Laura, 19, and Brugh, 17 - through the White House recently.

The work was grueling and the young administration had a rocky start. Foster complained to one Little Rock friend recently that he could never seem to get on top of everything. His mother allowed to friends that the job was rigorous, "nearly a 24-hour-a-day job."

Some said he seemed to personally shoulder the burden of many of the problems Clinton's nascent administration has undergone, many of which were in the counsel's office, where he was the chief deputy.

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It is said he felt responsible, for instance, for the ill-fated Zoe Baird and Kimba Wood nominations for attorney general, the equally ill-starred nomination of Lani Guinier as federal civil rights watchdog.

And then there was the "Travelgate" affair - used by some friends as another suspected source of Foster's alleged depression.

This mini-scandal in May occurred when the White House travel office was fired en masse and accused by some of the president's top aides of fiscal improprieties discovered by probing FBI agents - a stance the Clinton administration later backed away from with great embarrassment, since the FBI hadn't even looked at anything yet.

A July report on the affair by White House chief of staff McLarty shouldn't have caused Foster any grief, since the report shows he was one of the few warning against haste in the firings and against publicly pinning accusations on the FBI.

The Wall Street Journal editorial page recently took off after Foster and what they called Mrs. Clinton's Little Rock law firm "cronies" who now are in the administration.

Ironically, the troubles in the counsel's office appeared to be diminishing. Foster died on a day that the office hit what chief counsel Bernard Nussbaum called "two home runs" - the nomination of U.S. District Judge Louis Freeh as FBI chief and the opening day of confirmation hearings for Supreme Court Justice nominee Ruth Bader Ginsburg.

As Nussbaum recalled, he was remarking to Foster shortly before Foster left the White House after 1 p.m. Tuesday how well everything had gone so far that day.

"I said, 'Hey Vince, not a bad day,'" Nussbaum told staffers on Wednesday. "I said, 'We hit two home runs - home runs for the country. So I think we are doing our jobs and I think we are doing it well.' And he just sort of smiled. And I said, 'I'll see you later.' And that's the last time I saw Vince."

Foster apparently got behind the wheel of his Honda parked outside the White House, and a few hours later ended a remarkable career in a quiet glen on the site of a crumbled Civil War battery. It was a long, long way from Hope.

GNS reporters Deborah Mathis and John Shiffman contributed to this report.

**DEPOSITION OF PETER J. SIMONELLO  
IN RE: S. RES. 229**

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**THURSDAY, JULY 14, 1994**

**U.S. SENATE,  
COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS,  
Washington, DC.**

Deposition of PETER J. SIMONELLO, called for examination pursuant to notice of deposition, at 9:30 a.m. in Room SC-06 of the Capitol, before JULIE BAKER, a Notary Public within and for the District of Columbia, when were present:

**GLENN F. IVEY, Esq.  
Majority Counsel  
ROMAN E. DARMER, III, Esq.  
JULIE FALLON, Esq.  
Minority Counsel  
Committee on Banking, Housing, and Urban Affairs  
U.S. Senate  
On behalf of the Committee.**

**ALSO PRESENT: PAUL GOLDENBERG**

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## EXHIBITS

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| Peter J. Simonello            |            |
|-------------------------------|------------|
| DEPOSITION NUMBER             | IDENTIFIED |
| Exhibit 1 (S. RES. 229) ..... | 3, 138     |
| Exhibit 2 .....               | 129, 696   |

## 1 PROCEEDINGS

2 Whereupon,

3 PETER J. SIMONELLO

4 was called as a witness and, having first been duly sworn,  
5 was examined and testified as follows:6 MR. IVEY: Good morning, Officer. I'm Glenn Ivey  
7 and I'm counsel for the Senate Banking Committee. The  
8 committee is investigating the death of Vincent Foster, a  
9 number of different aspects of it. And that investigation  
10 is being done pursuant to Senate Resolution 229.

11 Could you mark that Exhibit 1 for me.

12 (Simonello Exhibit 1 identified.)

## 13 EXAMINATION

14 BY MR. IVEY:

15 Q Let me just point it out to you here on page 3 --  
16 I'm sorry, page 2. It says that the committee is  
17 conducting hearings into whether improper conduct  
18 occurred. The part we're interested in with respect to you  
19 is the Park Service Police investigation into the death of  
20 White House Deputy Counsel Vincent Foster. That's right  
21 there, if you'd like to take a look.

22 Did you receive a letter of invitation to come

4

1 here or were you notified by phone?

2 A No. I was notified by phone.

3 Q Since we're taking this deposition in preparation  
4 for hearings that are scheduled to start in the last week  
5 of July, you may be called to testify at those hearings.  
6 Frankly, I don't know if you will be or not, but I just  
7 wanted to let you know that that's a possibility. I'm  
8 going to ask you a series of questions. Mr. Darmer, I  
9 think, will ask you a series of questions, too.10 You just took the oath so you know that all your  
11 answers will be under oath and to the extent you can, we'd  
12 ask for you to answer the questions as posed. If you have  
13 difficulty understanding the questions, just let me know  
14 and I'll rephrase the question for you.

15 A All right.

16 Q If you want to stop and take a break, we can do  
17 that. That won't be a problem. I ask you when you give  
18 your answers, try not to guess or speculate. If your  
19 answer would entail some degree of speculation of any type,  
20 let us know.

21 A Okay.

22 Q And obviously, you know your answers should be

1 honest and truthful.

2 Two last points, I guess. One is that there may  
3 be objections posed by one of the attorneys here with  
4 respect to one of the questions that's asked. I would ask  
5 that if the objection is to the scope, which means that it  
6 may be calling for an answer that goes beyond the scope of  
7 the Senate resolution, I'd ask you not to answer the  
8 question until the objection has been resolved in one way  
9 or another.

10 A All right.

11 Q If it's an objection to form, we can work that  
12 out pretty quickly by rephrasing the question.

13 Do you have any questions for me before we get  
14 started?

15 A No. But could I have a glass of water, please?

16 Q Certainly can. I see everybody else has one, so  
17 it's just fair. Could you state your name and spell your  
18 last name, please.

19 A Peter John Simonello, S-i-m-o-n-e-l-l-o.

20 Q What's your age and your Social Security number?

21 A I'm 46 years old and my Social Security number is  
22 0 -- I knew it a few seconds ago -- 063-40-0290.

1 Q What's your current position and title?

2 A I'm a police officer in the identification unit  
3 of the United States Park Police.

4 Q What does the identification unit do?

5 A We investigate crimes, collect evidence, preserve  
6 evidence and submit it to court.

7 Q Sort of like an evidence technician?

8 A Yes. We call ourselves identification  
9 technicians.

10 Q How long have you been in the ID unit?

11 A Approximately 11 years.

12 Q And have your responsibilities been the same  
13 during that entire period, or have they changed?

14 A I've gained responsibilities during that time  
15 that I did not have originally.

16 Q What new responsibilities have you gained?

17 A I'm a fingerprint or latent print examiner, a  
18 forensic artist and a polygraph examiner.

19 Q You said latent prints. What methods do you use  
20 for lifting latent prints?

21 A There are numerous different types of methods,  
22 depending on the type of material. There's chemical,

1 chemical processing. There's mechanical dusting, which is  
2 the usual type, and now there's laser technology. We use  
3 fluorescent dyes, and those are the most common.

4 Q Does the Park Police have the capacity to do all  
5 three of those?

6 A We have a laser, but we do not have all the  
7 up-to-date equipment that goes along with it, but we do  
8 have a laser and we use that.

9 Q And you can do chemical and dusting?

10 A Yes, that's common.

11 Q To whom do you report at the Park Police?

12 A My immediate supervisor is Sergeant Dan Lawson.

13 Q Can you spell the last name?

14 A L-a-w-s-o-n.

15 Q Who does he report to?

16 A He reports to Lieutenant Robert Kass. I believe  
17 he's the assistant commander.

18 Q That's K-a-s-s?

19 A Right.

20 Q And who does Kass report to?

21 A He reports to Captain Charles Hume, H-u-m-e.

22 Q And Hume?

---

1 A He reports to Major Benjamin Holmes.

2 Q We're almost to the top now. And who's above  
3 Holmes?

4 A Right now I believe it's Deputy Chief Champ,  
5 C-h-a-m-p.

6 Q Champ, and then comes?

7 A The assistant chief and I believe that's Jordan,  
8 Chief Jordan.

9 Q Are there people that report to you?

10 A No.

11 Q So in the ID unit, do you have one person that  
12 heads it up and then a series of officers underneath that  
13 person? Is that the way it works?

14 A Right. The unit itself has a sergeant, which is  
15 Lawson, and the rest are technicians like myself.

16 Q How many other technicians are there in the unit?

17 A I believe there's six right now.

18 Q Before you joined the ID unit, what did you do?

19 A I was a patrol officer.

20 Q How long were you a patrol officer?

21 A Six years.

22 Q And before you joined the Park Police, how were

1 you employed?

2 A I was in college. I went to college for three  
3 years.

4 Q Where did you go?

5 A University of -- Kingsbury University in New York  
6 City.

7 Q And you graduated in '77?

8 A No. I think it was 1976, the end of '76.

9 Q Did you receive any special training when you  
10 went to the ID unit?

11 A Yes.

12 Q What special training did you get and where did  
13 you get it?

14 A We had -- I went to the Metropolitan Police  
15 Department, Advanced Crime Scene School. I went to a  
16 photography course given by the Federal Bureau of  
17 Investigation. I attended an advanced latent fingerprint  
18 course given by the FBI and also a basic fingerprinting  
19 course given by the FBI. I've been to several seminars to  
20 update on crime scene, advances in crime scene technology.  
21 I've been to Reid interviewing technique school for  
22 interviewing. I've been to several others.

---

10

1 Q With respect to the collecting of physical  
2 evidence --

3 A The main school for that itself would have been  
4 the Metropolitan Police Crime Scene School.

5 Q How long was that --

6 A I believe it's been a while back, but I believe  
7 it was either three or four weeks, a month course.

8 Q How many crime scenes have you investigated?

9 A This would only have to be a guess. A thousand,  
10 I guess.

11 Q And how many scenes have you investigated that  
12 involved gunshot wounds?

13 A Probably 60 -- 50, 60, something like that.

14 Q Have you done -- how many scenes have you done  
15 that involved suicides by gunshot?

16 A By gunshot? 15.

17 Q Now, you were the officer that investigated the  
18 death scene of Vincent W. Foster on July 20, 1993?

19 A Yes.

20 Q Did you write a report after you completed that  
21 investigation?

22 A Yes, I did.



11

1 Q I don't think I have a copy of it. I haven't  
2 seen a copy of it yet. Can you tell me what the report  
3 contained?

4 A Basic information as to the time I got there, the  
5 area where it occurred, the positioning of the body,  
6 evidence that I observed on the scene, the measurement --  
7 measurements and what evidence I collected from the scene.  
8 That would have been the basic report.

9 Q About what time did you get to the scene?

10 A I believe it was around 7-ish, 7:00.

11 Q Other officers had been there for a while, I take  
12 it?

13 A I arrived there right after our detectives  
14 arrived on the scene. They pulled up and I pulled up  
15 minutes after they arrived. Investigators were on the  
16 scene prior to me being there and there were several  
17 uniformed officers that I observed in the area.

18 Q Do you remember officers' names?

19 A I believe Officer Fornshil was there, and there  
20 was a sergeant there. I can't remember his name right now.

21 Q Edwards?

22 A Sergeant Edwards, that's correct. I don't

12

1 remember the other officers. I think there were a couple  
2 more patrol officers and privates, but I don't have any  
3 recollection of who they were. I wasn't paying any  
4 attention to them at the time.

5 Q What about the investigators and detectives?

6 A Yes. There was Investigator Cheryl Braun,  
7 Investigator John Rolla. I believe Renee Apt, Investigator  
8 Apt, A-p-t, and there's one more female investigator named  
9 Chris Hodakievik, and I don't know how to spell it.

10 Q Were there medical personnel there that you can  
11 recall?

12 A When I arrived, there wasn't. I didn't see any.  
13 Later on, during my time there, then the ambulance unit  
14 came.

15 Q Do you remember talking with the FBI on May 5,  
16 1994 with respect to an investigation done by Special  
17 Prosecutor Fiske?

18 A I don't know the exact date, but I did speak with  
19 the FBI.

20 Q Was that the first time you spoke with them, in  
21 May? Because I see another one that was dated June 3,  
22 1994.

1       A    I had several discussions with them, but one  
2   where we actually sat down and I was asked in-depth  
3   questions, that may have been the one in May. I mean, they  
4   had come by our lab once or twice, and we had small  
5   discussions.

6       Q    Do you remember what agents were there or who  
7   else was present during that interview?

8       A    I believe Bill Columbel was one of the agents and  
9   there was another agent. I don't recall his name.  
10   Dark-haired, short. I don't recall his name.

11      Q    Have you had a chance to review the special  
12   prosecutor's report?

13      A    I've looked through it, yes.

14      Q    Let me hand you a document that's stamped  
15   OIC 000211, 212 and 213, 214 and 215 and ask you to take a  
16   look at it.

17           (Witness reviewed document.)

18           What was the date that you went to Fort Marcy  
19   Park?

20      A    I believe it was July 20th, I believe.

21      Q    And after you got there, what did you do?

22      A    I asked where the scene was first. Initially, I

1   was just in a parking lot down at the bottom, and they  
2   directed me up the incline to where the second cannon was,  
3   and I responded right up to that area.

4      Q    What did you see when you got there?

5      A    A sergeant was there and one or two uniformed --  
6   I believe Investigator Rolla was up there and he directed  
7   my attention to where the body was.

8      Q    Did you take a look at the body?

9      A    I examined the area around the body and the body  
10   itself.

11      Q    What did the area around the body look like?

12      A    There was a path that led down from the -- right  
13   directly in front of the cannon and there was dense  
14   vegetation on both sides of the path and leading off into  
15   the path. The slope was approximately -- most of the slope  
16   was approximately 45 degrees of an average, and the body  
17   was lying face up, feet downwards on the slope.

18      Q    What did the body look like?

19      A    White shirt, well-dressed white male, his eyes  
20   open. There were flies, several flies around the nostril  
21   area. There was some blood running from the nose. There  
22   was some blood on the lower part of the cheek towards the

15

1 chin, the jawline. There was some blood on the right  
2 shoulder, and there was some blood, I believe, near the  
3 right rib cage, and there was a revolver in the right hand.

4 Q Did you see the revolver when you first came up?

5 A No.

6 Q How did you come to find out there was a revolver  
7 there?

8 A I believe it was Investigator Rolla who told me  
9 there was a gun in his hand, and I approached the body and  
10 observed that there, in fact, was.

11 Q What did you do with the -- what happened with  
12 the gun?

13 A Well, I photographed the area and the body and  
14 the hand with the gun. I then looked around the area to  
15 see if there was any other type of evidence that would be  
16 disturbed or that we could collect.

17 Q What type of evidence were you looking for?

18 A Anything that didn't belong or anything that  
19 could have been connected with this death scene. The only  
20 other thing that could have been connected was a pair of  
21 eyeglasses which were down the slope approximately 13 feet  
22 from the subject's feet and the revolver which was in his

---

16

1 right hand.

2 Q Let me go back to the revolver then. What did  
3 you do with the revolver?

4 A I removed it from his right hand and placed it in  
5 an evidence bag.

6 Q Was it laying on top of his hand or in what way  
7 was it on his hand?

8 A His hand was covering the weapon so as to  
9 indicate -- it was underneath his hand. His hand was on  
10 top of the weapon and his thumb was inserted into the area  
11 where the trigger is, so the gun was partially -- or mostly  
12 hidden by the hand. To remove it, his thumb was trapped  
13 inside of the revolver between the front of the trigger and  
14 the rear of the trigger guard. It was trapped and couldn't  
15 be removed like that. I had to ease the hammer of the  
16 weapon back slightly to take some of the tension off of the  
17 trigger in order that I may pass the knuckle through, which  
18 I did.

19 Q Was his hand still loose or --

20 A His hand was flexible to me. There was no  
21 stiffness in it at the time that I could determine.

22 Q Did you see any wounds on the body?

1 A At first observation I did not. I just saw the  
2 blood.  
3 Q Did you ever see any wounds on the body?  
4 A When the body was turned over, there was a wound  
5 to the back portion of his skull.  
6 Q Who turned the body over?  
7 A I believe it was the medical examiner who  
8 responded to the scene, in the Corps. I don't know what  
9 they call him in Virginia.  
10 Q And was that after you had taken photographs?  
11 A Yes.  
12 Q Do you know if the body had been moved before you  
13 took photographs?  
14 A I don't. I don't know if it was moved or not.  
15 Q Did you ask anybody?  
16 A I did. I inquired as to whether or not the  
17 emergency medical people who came to the scene or anybody  
18 who responded first had moved the head.  
19 Q And what were you told?  
20 A No.  
21 Q No --  
22 A No, they didn't. As far as they knew, they

---

1 talked to the medical people and they hadn't touched the  
2 body. That's what I was told.  
3 Q You said you saw the wound after the body was  
4 moved. Where did you see these wounds or wound?  
5 A What I saw was the wound to the back of the head.  
6 Q How close were you to the body when it was moved?  
7 A I was right up on it, within a foot or two.  
8 Q Was there blood in the area?  
9 A Yes.  
10 Q Where was the blood?  
11 A Pooling of blood directly underneath where his  
12 head had been, and then there was some blood along the back  
13 of his shirt, top portion of his shoulders, upper half of  
14 his back there was blood.  
15 Q Did you see any powder residue?  
16 A Yes.  
17 Q Where?  
18 A I observed what I believed to be powder residue  
19 along the edge of his index finger and edge of his right  
20 thumb.  
21 Q On which hand?  
22 A His right hand.

1 Q Did you find any cartridges or casings?

2 A No, except the ones that were inside the revolver  
3 itself.

4 Q What was inside the revolver?

5 A There was two .38 caliber -- one was a used,  
6 spent shell and one was a live round.

7 Q What kind of gun was it?

8 A It was a .38 caliber revolver.

9 Q Some of these photographs, I understand, are a  
10 little difficult to make out.

11 A Yes.

12 Q Why is that?

13 A We're not quite sure why it occurred. I believe  
14 they were underexposed, which means not enough light came  
15 into the camera, and we can't determine whether it was a  
16 malfunction in the camera or not.

17 Q Do you remember about how many photos you took?

18 A I believe I took the whole roll, which would be  
19 24 photographs.

20 Q Do you know if anyone else was taking photographs  
21 out there?

22 A John Rolla was taking Polaroids.

1 Q Did he take any photographs of the body?

2 A He took Polaroid photographs of the body, yes. I  
3 would take a photograph with the 35 and he would take what  
4 we call a backup photograph with a Polaroid in case  
5 something like this does occur where the film comes out, we  
6 have a duplication.

7 Q Do you know if any fingerprints were recovered  
8 from the gun?

9 A My office didn't recover any, but I've been told  
10 that the FBI or the FBI report I've read, they've uncovered  
11 a fingerprint from underneath the grips.

12 Q The grips are underneath the handle of the gun?

13 A That's correct.

14 Q How would a print be recovered?

15 A Someone would have to remove the grips and handle  
16 it and replace the grips.

17 Q Does your office mark guns with initials?

18 A That gun, I believe I put my initials on it,  
19 underneath the grip, so it may very be well that it's my  
20 fingerprint underneath the grip.

21 Q How did you mark the gun?

22 A It was engraved where I put my initials, PJS.

1 Q And why did you do that?

2 A Just to help identify a piece of evidence later  
3 on, if it becomes necessary, as the piece of evidence that  
4 I examined.

5 Q So that would address custody issues in a  
6 courtroom situation?

7 A Identification.

8 Q Did you try and get fingerprints from any other  
9 surfaces?

10 A I did try to get them off of the glasses.

11 Q Were you successful?

12 A There were no latents of any value that were  
13 lifted.

14 Q When you say no latents of any value, what do you  
15 mean?

16 A I believe there's a smudge-type mark -- value  
17 would have to have sufficient and clear ridge detail to be  
18 a value for any kind of identification, so either there  
19 isn't enough or sufficient amount of detail or the detail  
20 that's present isn't clear or smudged.

21 Q What method were you using?

22 A For the glasses, I used a mechanical dusting

---

1 method.

2 Q By the way, when you recovered the gun, what  
3 procedure did you use to store it?

4 A To store the gun?

5 Q Yes.

6 A The gun was taken back to our laboratory. I then  
7 wrapped brown craft paper around the barrel and secured  
8 that with rubber bands.

9 Q Why did you do that?

10 A I did that in attempt to preserve any trace  
11 evidence which may have been on the gun. The gun was  
12 placed back into the bag and placed in the evidence locker.

13 Q And you say "bag." Would that be an evidence bag  
14 of the Park Police, or was there another bag?

15 A No. It was a bag I collected it in, which is a  
16 bag that says "evidence" on it and it has writing.

17 Q And what did you do with the gun?

18 A I placed it in the evidence locker.

19 Q And are there procedures for the evidence locker  
20 to make sure that it's got limited access to it?

21 A That's correct.

22 Q What are those procedures for the Park Police?

1       A    To get into our office, usually one has to be  
2 buzzed. That's to get into the office area, where we do  
3 our typing and whatnot. From there, to get into the  
4 processing lab, you have to go through a locked door. And  
5 in the back of the processing lab, there's another door  
6 with a punch combination on it, and that's where the gun  
7 was stored.

8       Q    So there are three locked doors?

9       A    One door to the office can be locked or not  
10 locked. That's usual traffic where we do our typing. The  
11 second door is supposed to be kept locked. That's the door  
12 to the evidence processing room, and the back door is  
13 always locked, and the only people that should have the  
14 combination to that are the technicians and the sergeant of  
15 the ID unit.

16      Q    And this gun -- you sent this gun to the FBI at  
17 some point?

18      A    I sent the gun to ATF.

19      Q    And the gun was sent to ATF for what purpose?

20      A    To do ballistic tests on it, gunpowder, residue  
21 patterning and whatever types of testing they thought would  
22 be appropriate in this type of a case.

1       Q    This was before or after there was an attempt to  
2 lift fingerprints?

3       A    That was sent afterwards, after one of the other  
4 technicians attempted to lift fingerprints from it.

5       Q    At the Park Police office?

6       A    That's right.

7       Q    And who was that?

8       A    That was a technician, E.J. Smith.

9       Q    And what results did Officer Smith have other  
10 than the print that was found under the grips?

11      A    I believe his lifts were of no value. There were  
12 no latents lifted. That is to say, there was a latent lift  
13 made, but there was no latents on those lifts. There was  
14 no impressions on the lifts.

15      Q    So you didn't get any prints of value?

16      A    Not off the weapon.

17      Q    Did anyone other than you and Officer Smith  
18 handle the gun from the time it was taken from Mr. Foster's  
19 hand to the time that it was sent to ATF?

20      A    Anyone besides myself and Technician Smith?

21      Q    Right.

22      A    Not to my knowledge.

25

1 Q How long was it after you recovered the gun that  
2 Officer Smith tried to recover prints from the gun?

3 A I don't know -- I went on -- I was on my days  
4 off -- when it occurred the next day, I had leave and the  
5 next three days after that, I was on my days off. So I  
6 didn't return back to the office for four days. I came  
7 back on a Sunday and at that time I was told that the gun  
8 had been processed, so I don't know what day he processed  
9 it.

10 Q It was within four days of the recovery?

11 A Yes.

12 Q I'm sorry. I didn't hear your answer.

13 A Yes, within four days.

14 Q Now, at what point did you write your evidence  
15 report?

16 A I probably wrote on that Sunday when it came  
17 back.

18 Q That would be how many days after the  
19 investigation of the death scene?

20 A Four days.

21 Q Are you aware of the results of the ATF tests?

22 A I read the report, yes.

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26

1 Q Was the gun operable?

2 A Yes, it was.

3 Q What type of ballistics tests did they perform on  
4 the gun?

5 A Technically, I couldn't tell you the types -- I  
6 could tell you the general types of tests they performed,  
7 but as far as the specific types, I'm not acquainted with  
8 that.

9 Q Within your knowledge, tell us what they do.

10 A They also receive the clothing. I sent them a  
11 package of clothing and the gun and I'll try to recall all  
12 the tests they did because we requested numerous tests.

13 First of all, to identify the rounds in the gun,  
14 if the round that was fired was, in fact, fired from that  
15 gun, if the two rounds in the gun were of similar  
16 manufacture --

17 Q Are you aware of the results of that?

18 A Yes.

19 Q What were the results?

20 A The spent cartridge was fired from that gun and  
21 the two rounds were of the same manufacture. I believe  
22 they did a test where they fired the weapon to see what



1 kind of gunpowder patterning would occur on the hand if it  
2 was fired in the way we believed it to have been fired and  
3 if that was consistent with the powder we observed on the  
4 body.

5 Q Are you aware of the results of that test?

6 A Yes.

7 Q What were the results there?

8 A They were positive that they were similar to the  
9 patterning that we found.

10 Q On Mr. Foster's hand?

11 A On Mr. Foster's hand, that's correct. They also  
12 checked the clothing for gunpowder patterning, and they  
13 were asked to see if that would be consistent with somebody  
14 firing a weapon in the proximity of the male.

15 Q Do you know the results of that analysis?

16 A Yes. They said that was consistent with that.

17 Q Let me ask you about the clothes. The clothes  
18 that you sent were the shirt and the pants?

19 A I believe I only sent them the shirt and the  
20 pants, right.

21 Q Now, there was an issue raised by the special  
22 counsel as to contamination of some of the evidence during

---

1 the storage process.

2 A Yes.

3 Q Did that involve the clothing that was sent to  
4 ATF?

5 A Yes, it would have -- wait. Excuse me. They  
6 found possible contamination, I believe, on the socks or  
7 the paper. I don't know if they found anything in  
8 connection with the shirt or the pants, but they -- at one  
9 point, all those clothings were laid out in the same place.

10 Q Tell us how the clothing was stored by the Park  
11 Police.

12 A All right. Again, I was off for four days  
13 immediately following.

14 Q What did you do with the clothing?

15 A I did not collect the clothing -- I did not  
16 recover the clothing. I believe Technician Wayne Johnson  
17 went to the autopsy the next day, and I believe it was he  
18 who collected the clothing, at least what I've been told.

19 Q What would the normal procedure be after you  
20 recover the clothing from an autopsy?

21 A If the clothing contained blood, we would lay the  
22 clothing out and allow them to dry, air-dry.

1 Q Where would you lay the clothes out?

2 A These clothing were laid out in the floor of the  
3 photo darkroom in the rear of the processing lab.

4 Q So the photo darkroom, is that typically where  
5 the clothing would be put to dry?

6 A That's where we typically put it.

7 Q So this issue of contamination, how did that come  
8 up?

9 A That part of the darkroom is used, of course, to  
10 take photographs and do some lab work. And people could  
11 have walked in there while the clothing were laid out  
12 during those four days. Also, there are other items of  
13 evidence being processed in the adjacent room, which is the  
14 processing facility. Microscopic trace evidence could be  
15 blown through the air. There's an exhaust fan in the photo  
16 room which draws air. It's conceivable, and obviously it  
17 happened, that particles or trace evidence can be drawn  
18 into that room and fall upon these articles of clothing.  
19 Just walking around them could stir up -- off the floor  
20 could stir up particles.

21 Q Why are the clothes stored in the area where  
22 photographs are taken and this exhaust fan is --

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1 A We don't have a specific facility at this time to  
2 dry bloody clothing so we make do with that.

3 Q And your knowledge as an ID technician, would a  
4 place like the FBI, for example, have the money to afford a  
5 separate room for that type of clothing?

6 A Yes.

7 Q Do you know why the Park Police doesn't have that  
8 type of room?

9 A Usually the FBI requests that we air-dry any  
10 bloody clothing -- they request agencies to air-dry bloody  
11 clothing if possible before they're sent anywhere or sent  
12 to their labs.

13 Q I'm trying to get at the separate room issue.

14 A Why don't we have one?

15 Q Yes.

16 A I have no idea. I don't know. We've requested  
17 it, and we just haven't received a facility.

18 Q In any event, is there another way that you or  
19 any of the ID technicians could have laid the clothes out  
20 to dry and avoided that problem, given the facilities you  
21 have?

22 A No, not that would be any less likely to be

1 contaminated.

2 Q Did you come to realize at some point that there  
3 was a wound in the mouth of Mr. Foster?

4 A I never observed that personally, but from the  
5 reports I've read, they indicate, in fact, there was a  
6 wound in the upper pallet, soft pallet.

7 Q Did you see any photographs? Do you know if  
8 anybody from the Park Police took photographs inside the  
9 mouth?

10 A I saw the autopsy photographs, and I do not  
11 believe there's any that actually show the interior of the  
12 mouth. There are several photographs that showed a probe  
13 inserted through the mouth which comes out of the back of  
14 the head indicating the path of travel the bullet would  
15 have taken.

16 Q Do you know if any gunpowder was recovered from  
17 any place other than on his hand and I guess the shirt,  
18 too?

19 A Only from the reports I've read, not from  
20 personal observation, but I believe I read reports there  
21 were some residue found on his left hand and that there was  
22 gunpowder found in the tissue of his soft pallet, which

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1 happens to be in the autopsy report.

2 Q Now, I asked you earlier about Mr. Fiske's  
3 report. Did you have a chance to look at any of the FBI's  
4 analysis of firearms or chemical blood analysis?

5 A I didn't study it, but I've glanced through it.

6 Q Now, did any of those technicians for the FBI  
7 contact you?

8 A No.

9 Q Do you know if they contacted anybody in your ID  
10 unit about something relevant to this case?

11 A You're referring to the technicians working for  
12 the Fiske --

13 Q Well, I guess it would be the FBI technicians.

14 A No, not that I remember.

15 Q Did you see anything in their findings that  
16 contradicted anything in your report?

17 A I don't believe so.

18 Q Have you subsequently become aware of any  
19 information that would contradict anything in your report?

20 A The only thing I read in there that I was  
21 wondering about is they said my 35 millimeter roll of film  
22 was overexposed and they weren't able to get any prints

1 from it. But I recall that I was in the office there when  
2 they took a statement from me that day. I guess that was  
3 that date in May, and they showed me some 8-by-10 color  
4 photographs, and they indicated they were able to, in fact,  
5 enhance the photographs which I took, and I saw several of  
6 those 8-by-10s and I commented on what a good job they did  
7 because they looked good to me. They didn't look  
8 underexposed. They were able to enhance them and in the  
9 report they indicate they were not able to get anything  
10 from them.

11 Q Let me go back to the death scene. Did you see  
12 any type of footprints or tracks or anything that looked  
13 like someone had been walking through the brush around the  
14 body?

15 A There was some disturbance of the brush, but I  
16 attribute that to the fact that there was numerous police  
17 officers and EMTs and supervisors and investigators were  
18 standing, walking around and would be in that area.  
19 Obviously the EMTs had to go down to the body and look at  
20 him but there was nothing that really jumped out; trampling  
21 and stuff, there wasn't that. There was some disturbance  
22 of the vegetation.

1 Q Did you see anything that indicated there may  
2 have been a struggle before the shooting occurred?

3 A I didn't see anything that could indicate that,  
4 no.

5 Q With respect to Mr. Foster's body, did you see  
6 any type of defensive wounds or any type of wounds or  
7 injuries or damage to his clothing that might indicate he  
8 was engaged in some sort of a struggle before he was shot?

9 A No. Again, it was an extremely neat appearance,  
10 his clothing, positioning of his body. I saw no other  
11 wounds.

12 Q Did there come a point when you went to a 1989  
13 Honda that was parked in Fort Marcy Park?

14 A I believe it was an '89 Honda. Yes, I did.

15 Q Why did you go to that car?

16 A We believed it was the car that belonged to the  
17 victim.

18 Q And what did you do when you got to the car?

19 A Noted the license tag number.

20 Q Is there anything specific about the tag that you  
21 recall?

22 A Just that it was an Arkansas tag. I didn't -- I

1 believe an investigator had gotten the jacket from the  
2 interior of the car to check it for identification. I  
3 guess and had found the White House pass and some other  
4 items. The vehicle was -- we did photograph the car. I  
5 believe the investigators are the ones that took charge of  
6 whatever evidentiary items that were in that vehicle. They  
7 impounded the car.

8 Q Where did they have it taken?

9 A I believe it was taken to our processing lot at  
10 the Anacostia facility where our offices are.

11 Q Do the Park Police tow cars themselves or do they  
12 have private --

13 A We have a contract company. A seal was put on  
14 it, seal tape, on all the openings of it and that's  
15 initialed and with that vehicle there should have been an  
16 officer following the vehicle as it's being towed, just as  
17 a secondary precaution.

18 Q Do you know the name of the company that you have  
19 the contract with?

20 A They keep changing it. I don't remember which  
21 company was used that day. I couldn't tell you.

22 Q Do you know if the car was ever dusted for prints

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1 or if there was any attempt to lift fingerprints from the  
2 car?

3 A I was told when I came from my days off, I  
4 believe it was Technician Gene Smith again, that he was the  
5 one to process the vehicle.

6 Q Do you know if they recovered any fingerprints  
7 from it?

8 A I don't believe they recovered any.

9 Q Did you do a sketch of the area?

10 A I did a rough sketch of the scene.

11 Q What did that sketch depict?

12 A What it showed was the cannon, path leading down  
13 in front of the cannon and a body lying on that path.

14 Q Did it have distances?

15 A Yes, it did have distance notated on it.

16 Q Apparently, you had written it was 14 feet  
17 from --

18 A The axle.

19 Q The axle of the second cannon to the decedent's  
20 head?

21 A That's what I originally wrote down.

22 Q Was that accurate?

- 1 A No.
- 2 Q What would the distance actually be?
- 3 A The distance would have been not from the axle
- 4 but from the -- there's a cement anchor to the rear of the
- 5 cannon which I guess they call the tail of the cannon is
- 6 secured to so it can't be moved around. It was actually
- 7 from that cement abutment and it wasn't from the axle. I
- 8 originally identified it from the axle but then thinking
- 9 about it, well, the cannon could possibly be moved back and
- 10 forth so that wasn't a good point to take a measurement so
- 11 I made the measurement from about 6 feet behind the axle
- 12 where the measurement was made. So instead of being 14
- 13 feet from the axle to the head, it was 14 feet from the
- 14 cement anchor to the head, which would have brought it 6
- 15 feet further up the hill.
- 16 Q And what device did you use to measure these
- 17 distances?
- 18 A I used -- what I did there I paced it off toe to
- 19 heel. My shoe is exactly 12 inches. I do a toe to heel.
- 20 It's through the vegetation and it's difficult to get a
- 21 roll of tape through the vegetation down the hill.
- 22 Q When the body -- when you saw the body laying on

- 1 the incline, were the feet up or the head up towards the
- 2 cannon?
- 3 A The head was up towards the top of the hill.
- 4 Q Do you have any idea about how long the body --
- 5 how long Mr. Foster had been dead?
- 6 A I'm not an expert in this. It's just an
- 7 opinion. It was my opinion that the body was probably two
- 8 or three hours.
- 9 Q Why do you think it was about two or three hours?
- 10 A Again, my opinion is because his hands were very
- 11 flexible. There was a few flies on him, but it was very
- 12 hot and humid and it was my opinion that if he was out
- 13 there much longer, there would have been more insect
- 14 activity, and it's just the way he looked to me.
- 15 Q Do you know if the ATF was able to trace the gun?
- 16 A Not to my knowledge. I believe they only had it
- 17 traced back to its manufacturer and from there, I don't
- 18 think they had any more information on it.
- 19 Q Did there come a time when you received a torn-up
- 20 piece of paper? I guess it was small pieces of yellow
- 21 paper.
- 22 A Yes.

1 Q Who did you get that from?

2 A I believe that was handed to me by Captain Hume,  
3 and it was in a white envelope, and I think the envelope  
4 said "White House" on it.

5 Q What did Captain Hume say when he gave you the  
6 envelope?

7 A I don't really recall exactly what he said, but I  
8 think it was to the effect that this is a note that they --  
9 I think it was Joe Megby had gotten from the White House --

10 Q What was that name?

11 A Joe Megby, M-e-g-b-y, had received from some  
12 people at the White House.

13 Q Did you look inside the envelope?

14 A Yes.

15 Q And what was inside?

16 A A number of torn-up pieces of lined -- yellow  
17 legal-type paper, and I put it together, and there was a  
18 message or there was writing on it.

19 Q Did you know if someone had touched the paper  
20 before you had touched it?

21 A No, I don't know if anybody touched it or not.

22 Q And then what did you do with it after you tried

1 to piece it together?

2 A We pieced it together and then we photographed  
3 it, and then we called in a handwriting expert.

4 Q Who was that?

5 A That was Sergeant Lockhart of the U.S. Capitol  
6 Police.

7 Q Does Park Police have a handwriting expert?

8 A No, we don't.

9 Q Is Lockhart someone that Park Police typically  
10 uses for this type of analysis?

11 A We have used him in the past for our expert  
12 testimony and fingerprints, and he also gives expert  
13 testimony in handwriting analysis.

14 Q Did he reach any conclusions?

15 A Yes.

16 Q What were they?

17 A I believe his report stated that Vincent  
18 Foster -- the handwriting of Vincent Foster was the same as  
19 the handwriting on the note.

20 Q Did he have a known sample to compare the torn-up  
21 handwriting sample?

22 A He had -- I believe now it was a Xerox copy of

1 Vincent Foster's handwriting that was, again, gotten from  
2 the family's attorney, the Foster family's attorney, and  
3 that's what he used, I believe.

4 Q About how many days after you investigated the  
5 death scene was it that you received this torn-up note from  
6 the White House?

7 A It's in my reports. It was a number of days,  
8 maybe a week or so. I'm not quite sure on the dates.

9 Q After you photographed it and gave it to Sergeant  
10 Lockhart with the Capitol Police, what happened with the  
11 torn note then?

12 A He did the examination in our office. When he  
13 was done with it, I just received it back and placed it  
14 back into evidence, into our evidence room.

15 Q Was it ever sent to the FBI?

16 A I didn't send it, but it was sent to the FBI.

17 Q Why was it sent to the FBI?

18 A I believe Captain Hume had it sent there, and I  
19 don't know what his reasonings were. It was processed for  
20 fingerprints by the FBI, but I don't know if that was his  
21 only intent.

22 Q Do you know if they were able to lift any prints

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1 from any pieces of that note?

2 A They wouldn't have lifted prints from the note.  
3 A paper item would be chemically treated and the prints  
4 would be developed on the papers so you don't lift it but  
5 you can observe it. Only what I read in the report, and  
6 the report indicated that there was a palm print or a  
7 partial piece of a palm print on the note.

8 Q Do you know who the palm print belonged to?

9 A No, I don't.

10 Q Do you know if they were able to match the print  
11 or it was just an unknown print?

12 A I don't know, but I don't think they ever made  
13 any comparisons.

14 Q Do you know if there was any reluctance to send  
15 the note to the FBI because of a line that said the FBI  
16 lied in their report to the Attorney General?

17 A It was my opinion that we shouldn't send -- it  
18 would be best not to use the FBI facilities to process and  
19 get the evidence, which meant the gun and the -- this is  
20 after reading the note. Prior to reading the note, I had  
21 wanted to send the gun to FBI labs and facilities to have  
22 all the workups done.



1 Q You said "guns." Do you mean "gun"?

2 A Revolver. I'm trying to get it straight in my  
3 mind. We were going to use the FBI lab but after reading  
4 that note and the portion of the note that said the FBI  
5 lied to the attorney or Attorney General or something, we  
6 thought it best not to -- I thought it best not to use the  
7 FBI labs because it -- there might be some kind of conflict  
8 or questions might have been raised later on as to -- if  
9 the FBI might have been involved in something, it would not  
10 be the best place to have the evidence processed.

11 Q So normally -- well, let me ask this. Would your  
12 procedures for Park Police after recovering a gun at a  
13 death scene be to send the gun to the FBI?

14 A We could either use the FBI or the ATF. We used  
15 both. It was my thoughts at first to send the gun to the  
16 FBI because they have more expanded facilities as far as  
17 blood workups, I think, than the ATF.

18 Q About what percentage of guns you recover would  
19 you say go to the FBI for printing and what percent would  
20 go to the ATF?

21 A For printing?

22 Q Fingerprints.

1 A No. The prints, we do our own.

2 Q What about processing for ballistics, powder  
3 patterns?

4 A I don't recall seeing a lot of guns out for that  
5 type of workup but the majority of the time it would go to  
6 ATF. Maybe 10 percent of the time go to the FBI for those  
7 type of testings.

8 Q What about for blood?

9 A My opinion is I would send it to the FBI because  
10 I think they have the better facilities for blood workups  
11 and DNA and that type of thing.

12 Q Did you see any blood on the gun when you  
13 recovered it?

14 A I recall seeing one small speck or droplet of  
15 blood on the barrel.

16 Q Is there any type of chemical analysis that would  
17 be typically done on a gun?

18 A Analysis for what?

19 Q Other than blood, I guess. Maybe DNA or  
20 something like that.

21 A You can do DNA. In a contact wound type of  
22 situation with a gun, from my readings, there can be a

1 drawback into the barrel of tissue or blood. When the gas  
2 expands and withdraws, it sometimes pulls material into the  
3 barrel in a contact wound or suicide type.

4 Q For that type of situation, like we have in this  
5 case, would you typically send the gun to the FBI or the  
6 ATF?

7 A That would probably typically be sent to the FBI  
8 or at least I would. Each one of us have our own judgment  
9 calls, each of the technicians. It's not a standard.

10 Q Let me actually back up and ask you about the  
11 procedures for handling evidence. What would be the  
12 procedures for handling evidence in a death scene where you  
13 had a gun involved?

14 A Can you be more specific?

15 Q Well, for handling, recovering evidence, handling  
16 the evidence, preserving any type of integrity of evidence  
17 that may have been recovered.

18 A Every type of evidence is handled differently,  
19 but in general, after photographing and making measurements  
20 as to location of the evidence, it would be placed into an  
21 evidence bag and then transported to our laboratories. We  
22 would determine, then, what types of processing we were

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1 capable of doing and carry out that type of processing. If  
2 we felt that it needed processing beyond our abilities, we  
3 would then determine which agency could help us out and  
4 then transport to those agencies. In the interim, the  
5 evidence would be placed in a sealed bag and placed in the  
6 evidence locker after processing or if we weren't going to  
7 do the processing, it would be stored there until it was  
8 transported to such a facility that would do the  
9 processing.

10 Q What happened to it after these other facilities  
11 would, say, have done an analysis for blood or something?

12 A Then the evidence is transported back to our  
13 facility and depending on what the technician is going to  
14 do, either he'll save it in our facility, in our evidence  
15 locker or it would be sent to Brentwood where we have  
16 another facility there for storage.

17 Q How would a choice be made between your evidence  
18 locker -- this is at Anacostia --

19 A Yes.

20 Q -- and Brentwood?

21 A Again, that's up to the individual. In this  
22 case, I knew of the importance of the case, and I wanted to

1 keep it where I knew exactly what would be going on with  
2 it, so I kept it in our facility in our evidence locker,  
3 mainly because of the notoriety of the case. I didn't want  
4 anybody getting curious.

5 Q Did you store the evidence in paper bags, or were  
6 they like heat-sealed plastic bags?

7 A All of the evidence I have, I believe, I stored  
8 in paper bags, not heat-sealed but paper bags.

9 Q Is there anything that's put on the bags to show  
10 that if someone had gone in, like a seal or  
11 tamper-resistant closing?

12 A Prior to processing, I seal everything with an  
13 evidence seal. After all the processing has been done on  
14 it, I may or may not seal the bag, but I will have it in  
15 the evidence locker, the secured area.

16 Q And this evidence seal that you used, would you  
17 describe it.

18 A It looks like red cellophane tape and has  
19 "evidence" on it and it's a very fragile type of tape. If  
20 anybody tried to lift it off, it would come apart. The  
21 tape falls apart, breaks apart.

22 Q Did any of the -- if someone goes into one of

---

1 those bags, you'd be able to tell by the effect on the  
2 seal?

3 A Yes.

4 Q You were gone for three or four days after you  
5 recovered the evidence?

6 A Uh-huh.

7 Q Do you know if any of those seals had been broken  
8 or altered?

9 A The evidence I left on the counter to be  
10 processed in the processing area -- I don't believe they  
11 were in a sealed -- no, it was sealed. I sealed the bag.  
12 The revolver, of course, had been taken out because it was  
13 processed.

14 Q When you next saw the gun, was it back in an  
15 evidence bag?

16 A Yes. It was placed back in the bag and back in  
17 the evidence locker.

18 Q Was there another evidence seal that had been put  
19 on it?

20 A I don't recall.

21 Q Do you typically sign the evidence seal, or is  
22 there some sort of signout sheet for evidence?

1 A No -- well, I initial it, the tape, just to show  
2 that it is my seal. Someone else couldn't take the seal  
3 off and put a new seal on top. That's a standard practice,  
4 to initial and date it.

5 Q Do you know if Officer Smith did that when he  
6 returned the gun after he did some tests on it?

7 A I don't know. I don't remember.

8 Q Was there any other evidence -- I think we talked  
9 about the clothes and the gun -- that was also sealed? For  
10 example, like the ammunition, was that stored with the gun  
11 or was that separate?

12 A I guess that was stored in the same envelope, the  
13 same bag as the gun, the ammunition. I think there was  
14 some private papers, some keys, the envelope with the note,  
15 clothing, the gun and the eyeglasses. That's all I seem to  
16 remember.

17 Q Park Police typically has an evidence list or  
18 something?

19 A It's a chain of custody, evidence custody sheet.

20 Q So that whenever someone, for example, like takes  
21 out the evidence and takes it to court or takes it so the  
22 prosecutors can look at it or whatever, that officer signs

1 that?

2 A Yes, signs off the specific piece of evidence on  
3 the back of the sheets.

4 Q Were there sheets for the gun and the other types  
5 of evidence?

6 A There were sheets for all the evidence, yes.

7 Q To the best of your knowledge, were those sheets  
8 kept typically or properly according to standard procedure?

9 A They all appeared to be, yes.

10 Q Who was responsible for keeping those sheets?

11 A The sheets -- the custody sheets stay with the  
12 evidence, so what I would do is put the evidence sheet with  
13 the revolver, so if anyone came in and took the revolver  
14 from there, they would sign that sheet and indicate what  
15 they were -- what the reason was for them to take it and  
16 date and time.

17 Q Are there general orders issued by the Park  
18 Police that govern handling of evidence, collecting of  
19 evidence and testing and analyzing evidence?

20 A They have some guideline manuals but specifically  
21 in our general orders, besides to preserve the crime scene  
22 and wait for a technician, I don't think they address it.

1 Q Have you trained other ID technicians?

2 A Not formally. When we have new people come in,  
3 they work with me -- it's like on-the-job training -- and  
4 I'll explain how things are done and what our procedures  
5 are.

6 Q So they pair you up with junior ID technicians?

7 A A junior technician comes and he goes to  
8 schooling and he works with a more senior technician.

9 Q Are you the most senior technician in the unit?

10 A No. I'm about third down.

11 Q Were you specifically selected to investigate  
12 this death scene?

13 A I was just the one working that day.

14 Q Do you know if you were ever contacted or if  
15 anyone talked to you about your report in an attempt to  
16 influence or suggest what should be in the report?

17 A No.

18 Q Did you ever discuss your report with any of your  
19 supervisors or superiors at the Park Police office?

20 A We discussed the case. I mean, information about  
21 the case, I have in my report.

22 Q Were they seeking information, or were they

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1 trying to influence you in any way?

2 A No, no one tried to influence anything I wrote  
3 down.

4 Q So the nature of the conversations you would  
5 describe in what way?

6 A Informative. It's our duty to keep investigators  
7 informed as to our findings, what we have, what our  
8 thoughts are on the case.

9 Q Did you have any conversations like that with any  
10 investigators who were working on this case?

11 A Yes.

12 Q How would you characterize those conversations?

13 A At different times of the investigation -- at the  
14 very onset, there's a lot of speculative "what if" type or  
15 "how come" type of conversations, such as, you know, what  
16 if or how did the transfer stain occur on the cheek? That  
17 was something that we didn't have an answer for so we  
18 discussed that and other aspects of it like that. And then  
19 later on, days later, whatever, we'd have investigators  
20 come over and say how is the case going? Have we gotten  
21 anything new, this type of thing.

22 Q Did anybody, investigators, officers, superiors,

1 supervisors, anybody connected with the Park Police ever  
2 try and influence your findings in the report, your  
3 conclusions in the report or your opinions about what  
4 happened at that scene that time?

5 A No.

6 Q Did anybody connected with any part of the  
7 federal government or local government or state government  
8 ever contact you and attempt to influence what you put in  
9 your report?

10 A No, sir.

11 Q Do you recall being contacted by -- other than  
12 the people who interviewed you here in these two reports  
13 that I've shown you earlier -- did anybody with the  
14 government contact you about your findings on the scene  
15 that day, I mean outside of the Park Police?

16 A I'm sorry. The Park Police and outside of the  
17 FBI?

18 Q The FBI agents who conducted these two  
19 interviews.

20 A Yes.

21 Q Who else did?

22 A I think I talked to Rosati, who is the person

1 over at the ATF who was doing the examinations.

2 Q Did you initiate the conversation with the ATF or  
3 did they initiate the conversation?

4 A I believe I did. I called up originally to ask  
5 if they can take the gun and explain the case.

6 Q You know Rosati's first name?

7 A I think it's Carlo.

8 Q So he an officer?

9 A I don't know what his position is with the ATF.

10 Q When you spoke with Mr. Rosati, what was the  
11 nature of that conversation?

12 A I told him what we had. We had a weapon we  
13 needed tests done on, and I explained the crime and what  
14 would need done and asked him for any ideas as to what kind  
15 of tests should be done.

16 Q Did you speak with him after he had done the  
17 tests or after the tests were done by the ATF?

18 A I think I had one or two other conversations with  
19 him afterwards.

20 Q Do you recall the nature of those conversations?

21 A I think after the results I had called him back  
22 to thank him and just to -- I think to summarize, go over

1 his findings, to make sure I understood them all  
2 correctly.

3 Q Did he ever express any opinion about whether  
4 this was a suicide or not?

5 A He may have suggested that it was consistent, his  
6 findings were consistent with what we believed to have  
7 occurred, and that is a gunshot wound into the mouth.

8 Q Did he say anything to you that you can recall in  
9 an attempt to influence your view or your conclusions about  
10 that?

11 A No, he didn't.

12 Q Can you recall any other conversations with  
13 anyone else linked with the government about the death  
14 scene?

15 A I can't remember any, no.

16 Q Do you have any relatives that work for the  
17 federal government?

18 A Not that I know of.

19 Q Were you contacted by any reporters?

20 A No.

21 Q Did you review any documents in preparing for the  
22 deposition today?

1 A Did I review any?

2 Q Yes, other than the ones I showed you earlier.

3 A I didn't look at anything today, no.

4 Q Well, in the last few weeks?

5 A I read the Fiske report. I went through it. No,  
6 that's all, the Fiske report in the last couple of weeks.

7 Q Did you talk to anyone about your deposition  
8 today?

9 A Just told my wife I was going to do it.

10 Q Your supervisor, superiors?

11 A Oh, yeah, they're at work and had to know. I  
12 told them I was coming down.

13 Q Did they comment at all about you coming down for  
14 the deposition?

15 A Good luck.

16 Q Do you remember which supervisors you spoke with?

17 A Yes. Sergeant Lawson and Captain Hume and Major  
18 Hindes.

19 Q Did any of them talk to you about what you were  
20 going to say at the deposition today?

21 A Captain Hume did.

22 Q What did he say to you?

1 A Just basically said tell them what happened. If  
2 you're not sure, tell them you're not sure. If you don't  
3 remember, just tell them you don't remember or to the best  
4 of your recollection.

5 Q So it was just general advice on being a witness  
6 essentially?

7 A Yes, yes.

8 Q Did he try and tell you what you should say  
9 substantively?

10 A No.

11 Q Did any of these people or anyone at the Park  
12 Police give you any other advice about testifying today at  
13 your deposition?

14 A No.

15 Q Did anybody try and influence what you would say  
16 today at the deposition?

17 A No.

18 MR. IVEY: I don't have any other questions at  
19 this time.

20 EXAMINATION

21 BY MR. DARMER:

22 Q Have you been deposed before, Officer?

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1 A No.

2 Q This is the first time you've ever had a  
3 deposition taken?

4 A Yes.

5 Q Do you ordinarily speak to commanding officers  
6 above your commander on an average day?

7 A Yes. I may.

8 Q So when you spoke to Captain Hume and Major  
9 Hindes today, was that unusual?

10 A No.

11 Q Do you run into them in the course of an average  
12 day?

13 A Oh, yes.

14 Q Do you sit near them in proximity in the office?

15 A Captain Hume is always in and out of our office.

16 Q So it's not unusual for you to have a  
17 conversation with them?

18 A No.

19 Q You described your current chain of command  
20 earlier. I think you said Sergeant Lawson is your superior  
21 officer and you went up through the chain. Who were your  
22 superior officers at the time in July 1993, at the time of



1 the Foster incident?

2 A That would all remain the same, except I'm not  
3 sure about the assistant deputy chief. They've just been  
4 selected recently and I don't know how long ago. I don't  
5 follow that that closely.

6 Q But Sergeant Lawson is your superior officer,  
7 Kass above him and Hume is above him?

8 A That's right.

9 Q And who is Major Hindes?

10 A He's stationed with the chief's office, and I  
11 think he's in charge of internal affairs or press releases  
12 and that sort of thing, and he's the one who informed me  
13 that I had this deposition today, that I had to be down  
14 here.

15 Q But he never showed you a piece of paper or  
16 letter that said you were being asked to have a deposition?

17 A No. He just called up.

18 Q How did you actually get the call to go to Fort  
19 Marcy?

20 A We monitored the radio. We heard some broadcast  
21 that there was a body at the second cannon over our force  
22 radio, and then I guess a phone call was made to our branch

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1 and an investigator was notified of it, and I was told that  
2 we've got a body at Fort Marcy, to respond up there.

3 Q Do you recall who told you?

4 A No, I really don't.

5 Q Do you recall who the investigator was who  
6 referred it to your room?

7 A It may have been John Rolla. I think it was  
8 Rolla.

9 Q When you arrived on the scene, do you recall if  
10 there was an investigator who was in charge of the scene?

11 A I'm not sure who was specifically in charge --  
12 who was actually in charge. I took it it was Rolla. It  
13 was Rolla and we went up to the bodies and he was taking  
14 the photographs and I was dealing with him, mainly.  
15 However, we had two scenes, you might say.

16 We had the vehicle in the lower parking lot and  
17 one of or two other investigators remained with the vehicle  
18 so it was sort of split so I couldn't tell you -- nobody  
19 actually came to me and said I am in charge here.

20 Q Was there an investigator at the scene closer to  
21 the body that you thought or you believed to be in charge?

22 A John Rolla, I believe, is the one I was dealing

1 with.

2 Q Near the body?

3 A Yes.

4 Q As opposed to near the parking lot, near the car?

5 A Yes.

6 Q What about up near the car?

7 A Investigator Braun was the more senior

8 investigator down at that site, so it would be her in

9 charge of that site.

10 Q In general, when there are investigators and ID  
11 tech personnel at a scene, what's the command  
12 relationship? What's the relationship between those two  
13 groups?

14 A We're supposed to take our direction from the  
15 detective or investigator.

16 Q What happens if there's multiple detectives or  
17 investigators giving orders?

18 A We usually have a very good working relationship  
19 and the detectives usually defer to us in matters of  
20 evidence and handling of a crime scene because we have a  
21 lot of experience. So we usually don't get into any kind  
22 of arguments over that. Usually, there's only one

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1 investigator to a scene. This was a little bit unusual as  
2 far as I was concerned, four investigators at one spot. So  
3 normally there's only myself and one detective and we just  
4 work as a team.

5 Q Which investigators on the team was the most  
6 senior, if you recall?

7 A I believe it was Braun, Investigator Braun  
8 followed closely by Rolla, but Rolla has been -- he may  
9 have had less time in the criminal investigation/major  
10 crimes division but he's been in investigation of drug  
11 related activities for a number of years so he has a lot of  
12 investigative background.

13 Q You mentioned that Officer Fornshil was on the  
14 scene and a number of other uniforms officers. Do you  
15 recall how long Officer Fornshil was on the scene?

16 A No. I became preoccupied in what I was doing. I  
17 don't pay any attention to what the officers are doing.

18 Q Did you say you encountered the EMS or fire  
19 personnel at the scene of the body?

20 A Not the initial responding units. When I refer  
21 to that, I was talking about when we had to move the body,  
22 take it away. They came to take the body away.

1 Q It was your understanding that was a different  
2 group of people than the initial responding --  
3 A I don't know but I got the inference that it was  
4 a different group.  
5 Q You didn't talk to any EMS personnel on the  
6 scene?  
7 A No.  
8 Q Were you carrying a radio or walkie-talkie with  
9 you?  
10 A I had one on me. I usually turn it off, though,  
11 when I'm working.  
12 Q You weren't hearing communications over that --  
13 A I wasn't monitoring it, no.  
14 Q You looked at the copy of the FBI report here.  
15 Do you recall whether you reviewed documents before you  
16 attended that interview?  
17 A Oh, this --  
18 Q Before the interview of May of '94, May of this  
19 year.  
20 A Probably looked over my mobile crime report just  
21 to jog my memory as to what time and dates and something  
22 like that, but I don't remember really trying to memorize

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1 in any depth, no.  
2 Q Do you remember talking with anyone in the Park  
3 Police about anything before you went to that interview?  
4 A No.  
5 Q Did you know -- was the interview being  
6 transcribed or recorded?  
7 A The agent was writing when I was talking, so I  
8 figured he was taking notes as to what I was saying.  
9 Q Did you ever see a copy of that report before  
10 today?  
11 A No.  
12 Q Did you know a report was being written?  
13 A I assumed they were going to write something up  
14 but I didn't know they were going to.  
15 Q When you came back, did you talk to anyone about  
16 what went on in the interview?  
17 A I may have mentioned it, but I didn't have any  
18 sit-down or discussions about it.  
19 Q Do you recall whether you took any notes or  
20 submitted anything to the file about it?  
21 A No, not about that interview, no.  
22 Q Officer, do you recall seeing any -- you said you

1 looked around the area of the body. Do you recall seeing  
2 any debris? By that, I mean human debris, trash, anything  
3 noticeable?

4 A Not in the immediate area of the body. There's  
5 trash cans, I don't know, maybe 25, 30 feet away.

6 Q I'm asking right around -- in the area in which  
7 you were looking for other physical evidence.

8 A I didn't notice anything right there.

9 Q Do you recall whether the -- when you first  
10 encountered the body, whether the hand was laying on top of  
11 the gun or whether it was clutching the gun?

12 A It was laying on top.

13 Q So it was not holding the gun?

14 A No. It was trapped -- the thumb was trapped  
15 inside the revolver, but it was laying on top of the  
16 revolver.

17 Q When you got to the scene, who told you that the  
18 body hadn't been moved?

19 A No one came up to me and told me. I asked -- I  
20 think I asked Detective Rolla. I said did anybody move the  
21 body? And he said not that he knew of or had known. I  
22 said did the EMTs move it or touch it, he said he didn't

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1 know but --

2 Q In your experience, would the first EMS person on  
3 the scene have touched the body?

4 A I would think they would just to determine  
5 whether the person is still alive or not. You can't do  
6 that just by looking sometimes, so I would imagine they  
7 would at least check for a pulse.

8 Q With respect to the pictures that you took on the  
9 scene, was it light outside?

10 A When I first arrived there, it was light and by  
11 the time I left, it was starting to get dark.

12 Q What about at the time you were taking the  
13 photographs?

14 A At the scene itself it was still light enough for  
15 me not to use a flash, so I didn't use a flash. As I got  
16 down to the parking lot, I think I did use a flash.

17 Q You had a flash with you?

18 A Yes.

19 Q You indicated that Investigator Rolla was taking  
20 pictures with a Polaroid around the same time.

21 A Yes.

22 Q Were you taking pictures of the same angle at the

1 same time or were you circling the body? Can you describe  
2 how you two were taking the photographs, how you were  
3 working with each other?

4 A I took a -- I take a shot and say Joe, let's get  
5 an overall -- all right, John, let's get a little bit  
6 closer up, make sure we get a picture of this, the gun and  
7 the hand, informal direction, I guess you'd call it.

8 Q Did he take a picture of -- did he attempt to  
9 take a picture of everything you were taking a picture of  
10 with the 35 millimeter?

11 A You mean the same direction and angle and all  
12 that?

13 Q Exactly.

14 A No.

15 Q If you were going to take a picture, did he step  
16 away --

17 A No. I would say John, I want to get an overall  
18 picture of this and he would be positioned where I was  
19 but --

20 Q Do you know about how many pictures you took?

21 A I believe I took the roll, which was 24.

22 Q And is that -- how many pictures would you

---

1 normally take at a scene?

2 A As many as needed and that varies according to  
3 the scene.

4 Q How many rolls of film do you bring with you?

5 A I have a camera kit and I guess I usually carry  
6 around three or four rolls of various types of film,  
7 different ASAs, different speed films for different  
8 reasons, so we'd probably -- I probably had around six to  
9 nine rolls on me.

10 Q But you took a roll of film and you felt that was  
11 sufficient?

12 A Even if I took the full roll. I may have taken  
13 some less than that, but I figured that was sufficient to  
14 record what we have there.

15 Q Do you know how many Polaroid shots Investigator  
16 Rolla took?

17 A I don't know the number, the exact number.

18 Q You said earlier you thought the camera might  
19 have been malfunctioning.

20 A After I got the results back, I figured the  
21 camera was malfunctioning.

22 Q Was the camera ever sent off site to be looked at

1 or to see if there was anything wrong with it?

2 A I don't believe it was, no. I don't know how  
3 long it was after I took the shots that they were  
4 developed. And of course, I didn't realize until they were  
5 developed that the camera might have malfunctioned that  
6 day. I may have malfunctioned. I don't know.

7 Q Ordinarily, what happens? You leave a scene.  
8 You've got film with you. What's the sequence of events to  
9 get it developed?

10 A We have a film envelope that we use and I place  
11 it in there, fill out the envelope and give it to  
12 Technician Romans, Larry Romans, and I believe he has a --  
13 we have a darkroom at the Brentwood facility that he uses  
14 and he develops film there, and I believe he's the one that  
15 developed this roll.

16 Q And generally, how soon after you provide the  
17 film are the prints developed?

18 A If it's a rough job, he can do it almost  
19 immediately, the next day when he comes in, the next shift  
20 that he's working. On the average, if it's not a rush job,  
21 it could be a week, maybe more, depending on how backed up  
22 he is.

1 Q How long does it usually take in murder or  
2 homicide cases?

3 A We usually have film almost immediately in those  
4 types of cases, so I would say within 24 hours we would  
5 have some prints.

6 Q And how long did it take in this case?

7 A I believe they were probably done by the time I  
8 got back on Sunday. I had a note that they were  
9 underdeveloped so I didn't even actually see any prints or  
10 I didn't even see the -- I can't remember if he left the  
11 negatives on my desk or not, but he had left a note that  
12 said these were underdeveloped and there were no prints  
13 made.

14 Q Where would the negatives be left?

15 A They would be put in our report jacket, we call  
16 our mobile crime jacket.

17 Q Is that in a secured area?

18 A Yes, that's kept back in the locked area.

19 Q Would someone have to sign in or out to have  
20 access to those negatives?

21 A As a procedure, they have to sign out the jacket.

22 Q And is it your understanding that those negatives

1 were sent to the FBI?

2 A Yes.

3 Q Who would have done that?

4 A We had to turn all our evidence over to the  
5 FBI -- not to the FBI but the Fiske people working. They  
6 took the negatives and all our other physical evidence.

7 Q Who was the Park Police person responsible for  
8 coordinating that?

9 A I'm the one that turned over the evidence to the  
10 FBI.

11 Q So you were physically taking things in evidence  
12 bags?

13 A Yes, and said here's this. And we'd sign it off  
14 and we'd both keep a list of what they had and what they  
15 didn't.

16 Q And do you recall signing, putting down the  
17 negatives on your list of what you were providing to them?

18 A I don't think for sure we put the negatives  
19 down. It may be written down somewhere but we don't keep  
20 an evidence custody sheet.

21 Q You remember you sent them to FBI?

22 A I'm trying to remember if I did. It's been

1 crazy. People have been requesting copies of duplicates of  
2 photographs and this, that and the other thing and whether  
3 I myself gave the negatives over or not, I can't recall. I  
4 know they hadn't received it.

5 (Recess.)

6 BY MR. DARMER:

7 Q Officer, I think I was asking you about the  
8 whereabouts of the negatives. Do you know where the  
9 negatives of the film that you took is today? Do you know  
10 where that is?

11 A I haven't received them back from the FBI, so I  
12 assume they still have them or the Fiske commission has  
13 them. I don't know what the differentiation is.

14 Q And you said when you were talking to the FBI and  
15 they showed you pictures, do you remember about how many  
16 pictures they showed you?

17 A I think there was about eight or nine -- eight or  
18 nine 8-by-10s. I think they were 8-by-10s.

19 Q And what kind -- what was depicted in the  
20 picture?

21 A The scene, the body. Most of them were different  
22 shots of the position of the body and I think the gun and

1 the hand over the gun.

2 Q Did the scenes look familiar? Were they the  
3 shots you had taken?

4 A They appeared to be.

5 Q And how big -- did you say they were 8-by-10?

6 A I think they were about 8-by-10.

7 Q And fairly good quality?

8 A I was amazed. They weren't perfect but I was  
9 amazed they were the quality they were of. They weren't  
10 crystal clear, but it was a lot more detail than Larry said  
11 we could get out of it.

12 Q Had you ever seen the photographs as they were  
13 originally developed, the photographs that were  
14 underexposed?

15 A I don't know if he even attempted to make prints  
16 out of it. And I'm trying to remember -- I recall I may  
17 have looked at the negatives and they appeared fairly  
18 clear. You could see something on them, but basically they  
19 looked almost clear which, when printed up, would be very  
20 dark. When you actually make a positive print, the clear  
21 negative becomes a dark print.

22 Q When you were putting together the package to go

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1 to the FBI, do you recall putting in a package of the  
2 prints?

3 A We didn't make any -- you mean the negatives?

4 Q No. Do you remember putting the -- sending the  
5 negatives to the FBI?

6 A I know they requested them. Again, there's so  
7 much material I handed over, I can't specifically remember  
8 handing over the negatives.

9 Q But you think prints were never made from the  
10 negatives originally?

11 A From our department, I don't think they were. I  
12 never saw them. It's usual that I, as the technician in  
13 the case, would receive copies of whatever prints were made  
14 and I didn't receive any.

15 Q Have you ever been involved in a case where you  
16 just never received prints from shots you took?

17 A I think there's been a few other cases over the  
18 years that something went wrong with the camera or maybe I  
19 didn't set the camera correctly and there were no prints  
20 made, because usually the guys processing can tell by  
21 looking at the negative if it's a lost cause, in other  
22 words. If he prints this up, he's not going to have



1 anything but black sheets of paper and I don't know if they  
2 would do that or not.

3 Q You indicated that you did -- there was some  
4 analysis of the prints -- of possible prints found of the  
5 glasses found on the scene?

6 A I wouldn't call it an analysis. It's more of an  
7 observation.

8 Q And was any -- do you recall whether there was  
9 any chemical or other analysis done of those to determine  
10 if there were prints on those glasses?

11 A To determine if there were prints?

12 Q Yes.

13 A Not that I did. The FBI, I think -- I think I  
14 read in one of the reports that they processed them, found  
15 something.

16 Q But in terms of the Park Police analysis?

17 A I didn't do anything more than my initial  
18 processing of the glasses.

19 Q And why was that?

20 A At the time we weren't even certain that the  
21 glasses belonged to Mr. Foster, and I don't know if I ever  
22 was really told there was a positive identification made of

---

1 the glasses. I recall requesting somebody find out if  
2 these glasses -- because otherwise, there's no need to  
3 process them. And they were found in the woods down below  
4 him. It was 13 feet below his body so I wasn't even sure  
5 if these glasses had anything to do with him.

6 Q Do you recall ever learning that the glasses were  
7 identified as Mr. Foster's?

8 A I don't recall anybody actually coming to me and  
9 saying those were his glasses. No one ever actually told  
10 me that.

11 Q Officer, do you know whether Polaroid pictures  
12 can be reduced to negatives?

13 A You can take a picture of the Polaroid and,  
14 therefore, get a 35 millimeter neg from it.

15 Q In your experience, is that done often, ever?

16 A If somebody wants copies of Polaroids, that's  
17 probably the most cost-effective way of doing it instead of  
18 a roll of film processing is going to cost a few dollars.  
19 Polaroids cost quite a bit of money to take.

20 Q What is the quality of prints made from Polaroid  
21 prints?

22 A With the 35?

1 Q Well, whatever they might -- in your experience,  
2 when people make copies from a Polaroid print, do they  
3 usually have them made into 35 millimeter, shot on 35  
4 millimeter film?

5 A We usually do not do a large scale Polaroid of a  
6 Polaroid. Usually, the request is for one copy of one or  
7 two pictures, in which case we could take a --

8 Q 35 millimeter?

9 A If it's only one or two pictures, we can take a  
10 one-on-one Polaroid of it because you're dealing with one  
11 or two pictures. In those cases I would take a Polaroid of  
12 a Polaroid. In a case like we need 50, 60, 70, 80, maybe  
13 three or four sets, it would be more cost-effective to use  
14 a 35 millimeter camera, and I made the decision that's the  
15 way to go with it.

16 Q What would the quality be made of those 35  
17 millimeter film?

18 A It would be equal to whatever the quality of the  
19 Polaroid was. It wouldn't enhance it any and you would be  
20 able to do more with the negatives, 35 millimeter negatives  
21 if you wanted to blow them up, you can do that.

22 Q Were you shown the Polaroids that Investigator

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1 Rolla had taken when you met with the FBI in May of this  
2 year?

3 A Did they show me the negatives -- I mean, did  
4 they show me the Polaroids? I don't recall them showing me  
5 the Polaroids. I think I just looked at the 8-by-10s.  
6 They may have shown me some Polaroids, I don't recall.

7 Q Is it possible that the 8-by-10s you saw were  
8 taken from the Polaroids?

9 A It's possible. I mean, the shots I took and the  
10 shots Rolla took were from similar angles, and we took  
11 similar shots, so there was a closeup with the hand on the  
12 gun. I would have had one and he would have had one and if  
13 it was blown up from a Polaroid, it may have appeared the  
14 same.

15 Q Do you think that the photographs you saw when  
16 you were being interviewed by the FBI were copies of the  
17 photographs you took?

18 A That was my impression. That may have been  
19 because they told me here's what we did with your  
20 negatives, something to that effect.

21 Q Did they say that?

22 A Well, I recall saying -- I recall being impressed

1 so I must have thought that that was the case.

2 Q Officer, what's the usual period after a gun is  
3 recovered at a scene, what is the usual time period between  
4 that, the recovery, and the analysis by another agency?

5 A That all depends on the type of scene, type of  
6 crime.

7 Q What about in a homicide or violent crime like  
8 this one?

9 A When we believed that we have fragile evidence,  
10 we try to get it to that agency as soon as possible.

11 Q What does "as soon as possible" mean?

12 A We have to write up transmittal letters and have  
13 them approved through the channels. Taking all the  
14 officials there that need to approve these things and  
15 rewrite them and correct them, it could be done within  
16 hours. If not, it might take two or three -- depending on  
17 if it happens during a weekend when no one is around. We  
18 would try, of course, to get it done quickly, which I would  
19 say within that day.

20 Q Did a superior officer approve your transfer  
21 letter to ATF?

22 A Yes, he would have to.

1 Q Do you remember who it was?

2 A I think it was signed off by Major Holmes. He's  
3 the commander of the outfit. I think it's routine that the  
4 commander signs all requests.

5 Q Because it's going out of the agency?

6 A Yes. There's a request directly to the head of  
7 the other agency.

8 Q Did you examine the gun at all when you first  
9 picked it up at the scene?

10 A At the scene I did a cursory examination of it.  
11 When I got it back to our processing facility, I did a more  
12 in-depth -- I think I did a chart on what condition it was  
13 in, whether it was cocked, uncocked, where the rounds were  
14 located, where the spent rounds were, that type of thing.

15 Q Based on how you found it at the scene, do you  
16 have any ideas of how it was fired, how you believe it was  
17 fired?

18 A From what I -- the evidence I observed at the  
19 scene, I think the only way it could have been fired is if  
20 he had his right thumb inserted into the trigger guard.  
21 And because of the burns around the hand the way they were,  
22 my first impression is that was a cylinder blast, and a

1 cylinder blast is that amount of gas that comes out from  
2 the cylinder which contains the round.

3         Some gas is expelled from the barrel but some gas  
4 comes out the side so when I saw this darkening here, the  
5 only thing that could have done that was a cylinder blast,  
6 which meant the hand had to be held in close proximity to  
7 the cylinder and my thoughts was he pulled -- he had his  
8 thumb in here and he held -- this hand operated the trigger  
9 with his thumb and that the trigger -- the hammer had to be  
10 cocked before he inserted his thumb.

11         MR. IVEY: Could we describe those hand gestures  
12 for the record.

13         THE WITNESS: It would be helpful if I had the  
14 gun.

15         MR. GOLDENBERG: Do you want to clear your  
16 weapon?

17         THE WITNESS: It's an automatic. It would be a  
18 little different.

19         MR. GOLDENBERG: We'd still have an idea. Is  
20 everyone comfortable with that?

21         MR. IVEY: I'm not comfortable with that. I'm  
22 just interested in a verbal description so she can type it

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1 up.

2         THE WITNESS: His right thumb was inserted into  
3 the trigger guard. The rest of his hand would wrap around  
4 the cylinder --

5         MR. GOLDENBERG: His right hand -- I'm sorry. Do  
6 you mind me going through this?

7         MR. IVEY: That's fine.

8         THE WITNESS: His right thumb would be in the  
9 cylinder guard and his right hand would wrap around the  
10 area where the cylinder is. Now, the hammer would have had  
11 to have been pulled back prior to the insertion of his  
12 thumb because I couldn't pull his thumb out. The trigger  
13 advanced forward and his knuckle was so large it wouldn't  
14 pull out, so obviously he couldn't have pushed it in with  
15 the hammer down. So he had to cock it first, which draws  
16 the trigger back giving it enough room to insert the  
17 thumb. Holding it thusly, he couldn't shoot it so, just a  
18 single hand like that, he couldn't fire the weapon because  
19 his hand would be trapping the cylinder. If the cylinder  
20 can't turn -- he couldn't shoot it like that because I  
21 tried it and you can't operate --

22         MR. DARMER: You can't push the trigger all the

1 way back?

2 THE WITNESS: You can't shoot it. You can't let  
3 the hammer drop. You have to hold it with your left hand  
4 on the handle. This is the way I did it and I don't know  
5 if it was done. We only found it with his hand on it.  
6 Once you put your other hand on the handle, you can push  
7 the trigger with your thumb because you don't have to grip  
8 the cylinder tightly so you wouldn't drop the gun. The  
9 other hand you can wrap around the cylinder a bit and move  
10 the trigger.

11 BY MR. DARMER:

12 Q You're indicating in your answer that the left  
13 hand would have been holding the handle of the gun?

14 A Right.

15 Q And where would the right hand have been?

16 A The right hand would be around the cylinder and  
17 the left thumb inserted in front of the trigger.

18 Q And does that position -- does that position  
19 indicate to you whether the individual was right-handed or  
20 left-handed?

21 A That wouldn't because if you're left-handed, you  
22 could hold the handle in the left hand or if you were

---

1 left-handed you could have used your left hand to push the  
2 trigger, but in that kind of position, it could have been  
3 either way.

4 Q And you didn't draw any conclusion either way?

5 A No.

6 Q Did you take any notes immediately after you were  
7 at the scene?

8 A I did the diagram.

9 Q Did you do that on the scene?

10 A Yes. I believe I drew that on the scene on the  
11 back of an evidence bag, and I don't think I took any other  
12 notes, just mental ones until I got back to the office and  
13 I started --

14 Q Officer, back to the gun for a second. Is there  
15 anything about the positioning of the gun, as you saw it or  
16 about the situation you found, that you found unusual?

17 A My impression at the scene?

18 Q Yes.

19 A My very first impression looking at it, this  
20 appears to be an apparent suicide. From there, I start  
21 looking at what I had in more depth.

22 Q Had anyone told you or suggested to you that it

1 was an apparent suicide before you got to the body?

2 A Did anyone suggest to me?

3 Q Did you hear it?

4 A I don't recall if anybody said that to me. It's  
5 just my first general impression. Then, upon closer  
6 observation of everything that we had there, I started  
7 filing away certain questions I wanted to have answered,  
8 things that didn't -- I didn't have immediate answers to  
9 before I came to a conclusive -- an opinion that was  
10 conclusive. And those things were transfer blood stain,  
11 how did that happen? Is this gunpowder on his hand, went  
12 through my head and that cylinder blast I'm talking about,  
13 to have that checked out. Why was there a spot of blood  
14 down here?

15 Q Where are you gesturing?

16 A On the right rib cage area there was a blood  
17 stain on his shirt.

18 Q Could you tell whether it was closer to the top  
19 or the bottom?

20 A It shows in the photographs, and I think it's  
21 just right to the side there.

22 Q About how many inches below the arm?

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1 A About near the lowest rib, in that area of the  
2 rib cage on the right side. These are things that I  
3 couldn't answer immediately and so we wouldn't come to a  
4 conclusion until we had all these questions as far as we  
5 could to get them answered. I wondered about the fact that  
6 I didn't see a lot of blood spattered on his white shirt --  
7 his arms of his white shirt. Spatters -- when a  
8 high-velocity bullet hits, blood is turned in teeny, tiny  
9 droplets. I saw one or two drops, but not indicative of a  
10 pattern.

11 Q Where did you see those drops?

12 A I think one drop was on his finger, his right  
13 hand. I think there was a very small drop. And there may  
14 have been one on his shirt, but not -- I thought why isn't  
15 there more? That was my thinking there. The other thing  
16 is how did he shoot the gun. I saw his thumb trapped in  
17 there, but I wonder how you -- why would you want to shoot  
18 a gun that way? I wondered about the glasses. Are those  
19 his glasses? If they're not his glasses, whose glasses are  
20 they? And I also played the guessing in my head, how could  
21 this have been done? If he didn't do it, could it be done  
22 by somebody else and if so, how? Those are my general

1 impressions of the scene.

2 Q And when did you write up your impressions or  
3 your report?

4 A I think I wrote that up on the Sunday I came  
5 back. I didn't write it up that evening.

6 Q Why was that?

7 A By the time we got back and we had everything  
8 taken care of, I was pretty well beat. It was hot that day  
9 and we had been walking up and down that hill. We don't  
10 usually have to have a report in immediately. I also took  
11 some photographs of the revolver in the processing room at  
12 that time, noting that there is double serial numbers on  
13 the revolver. We noted that and took pictures of that.

14 Q Did those pictures turn out, by the way?

15 A I think we have black and white Polaroids. There  
16 should be a copy. You should be able to get them. And I  
17 just decided that when I come back fresh on Sunday, I'll  
18 get everything straightened out and be able to organize  
19 everything and write it down.

20 Q Officer, was it on the scene when you did  
21 measurements, you attempted to measure the distance between  
22 the cannon and the body?

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1 A Yes. It was on the scene when I did that.

2 Q You said you did a toe to heel measure?

3 A Toe to heel.

4 Q Did you have any kind of measuring device with  
5 you at the time?

6 A We had a tape, steel tape measure back at the  
7 cruiser, but I felt it was easier and probably just as  
8 efficient to do it the way I did it because we had this  
9 brush and trees and vegetation and you couldn't do a  
10 straight line measurement with the tape measure. You'd get  
11 tangled and have to go around the objects and I felt this  
12 was a good way of doing it because to me, it was a  
13 straightforward scene. We had a path. We had a fixed  
14 object and it was straight down the path, so there was  
15 actually only one measurement I felt that was needed to  
16 reposition the body to where it was, and that's the idea,  
17 to be able to put the evidence back in the positions they  
18 were.

19 Q Did you see any movement on the ground above the  
20 body or did the ground appear to be disturbed?

21 A Above the body? No.

22 Q Around the head or up the path that you've

1 described?

2 A Nothing that I made any mental note of.

3 Q When you receive clothing from a violent crime  
4 scene, do you normally do an analysis within the Park  
5 Police?

6 A No, we don't have a facility or expertise in  
7 actually doing analysis. We just dry bloody clothing. It  
8 gets dried. When it's dried, it gets packaged and sealed  
9 and sent to the agencies who will do the workup.

10 Q In this case, you said the clothing was sent to  
11 the ATF?

12 A The two articles of clothing was sent to ATF, the  
13 shirt and the pants, and then we turned the clothing over  
14 to the Fiske Commission.

15 Q Why wouldn't all the items of clothing have been  
16 sent to ATF?

17 A I think he requested those two items specifically  
18 to check for the gunpowder residue, the blast powder  
19 basically.

20 Q Who's "he"?

21 A Rosati.

22 Q So someone had a conversation with him. Did you

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1 have a conversation with him?

2 A Yes, I had spoken to Rosati as to what do you  
3 think we need, what do you think should be done, what kind  
4 of tests should be done, and this is what we came out with.

5 Q In your experience, is that common to send only  
6 some items of clothing as opposed to more or all?

7 A Considering what we had, I think -- I wouldn't  
8 send him the socks, for instance, because he's doing  
9 ballistic testing, not other types of trace evidence.

10 Q So you didn't discuss any kind of other analysis  
11 that ATF might do?

12 A No.

13 Q Did you talk with anyone in the Park Police about  
14 other kinds of analysis on the clothes?

15 A Not that I recall, aside from telling the  
16 investigator on the case that we're sending the clothing to  
17 ATF, and then they read the transmittal letter as to the  
18 types of tests we were requesting.

19 Q Who had to approve that?

20 A That was Major Ben Holmes.

21 Q I want to ask you a little bit about the drying  
22 area and while the clothes were in the drying area. Who



1 would have placed the clothes in the drying area?

2 A I was told that was Wayne Johnson who had picked  
3 the clothes up from the medical examiner at the autopsy,  
4 and he told me he spread them out on the floor on brown  
5 paper. They put that down and he had spread them out and  
6 that's where they were when I came to work Sunday.

7 Q Who usually picks up clothes from the medical  
8 examiner? How does that work?

9 A A lot of times it's picked up by the investigator  
10 who observes the autopsy, because we usually always have a  
11 detective or investigator to go to an autopsy to observe  
12 what's being done. In this case, because it's a homicide,  
13 a technician went down there and took photographs of the  
14 autopsy, and he took -- he took charge of the clothing  
15 because he was there. If he wasn't there, the detective  
16 would have gotten the clothing and brought it.

17 Q You said it was Officer Johnson?

18 A Yes.

19 Q And was he the officer present at the autopsy?

20 A Yes. He took the photographs, I believe.

21 Q And do you know what kind of camera he would have  
22 used?

1 A He would use a 35 millimeter.

2 Q Did you ever see copies of prints of those  
3 photographs?

4 A Yes.

5 Q How did they turn out?

6 A They came out well.

7 Q Was it the same camera that you had used?

8 A I don't know. He has his own camera.

9 Q When the clothes come back from the medical  
10 examiner, are they logged somewhere or inventoried?

11 A They would have a customary evidence sheet filled  
12 out indicating the individual articles of clothing and each  
13 one would be given an evidence number, and that would be  
14 maintained with the clothing.

15 Q Would they all be in separate bags, each bag, a  
16 belt, shirt, pants?

17 A Ideally, they should be packaged separately so  
18 there's no contamination. I don't know how that clothing  
19 was packaged. If, however, they were all put together in  
20 one bag, then the need to separate them is usually not a  
21 necessity because they have already cross-contaminated each  
22 other.

1 Q When you saw the clothes, they were laid out on  
2 brown paper in the drying area?

3 A Yes.

4 Q And were there any indication -- were there  
5 evidence numbers or evidence bags under the clothes?

6 A As far as I recall, there was just an evidence  
7 custody sheet listing the items near the items. Each one  
8 doesn't get a separate sheet. It's all one sheet and  
9 they're all listed on to it.

10 Q Do you recall if there were clothing from any  
11 other cases in there?

12 A Not in that room.

13 Q How many days were they in the room?

14 A I believe they were in there for four days.

15 Q And do you know if there was any other clothing  
16 from any case during that time?

17 A In that room itself?

18 Q In that room while Foster's clothes were drying.

19 A I don't have any knowledge of that. I wasn't  
20 there. It's possible that something was, but I don't know.

21 Q Is that the usual time to leave clothes to dry?

22 A It varies with the humidity and the amount of

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1 blood. An extreme amount of blood will take a long time to  
2 dry. A little bit would take a short time. However, they  
3 probably left them there, awaiting my return, because I was  
4 the technician handling the original.

5 Q It didn't strike you as an unusual amount of  
6 time?

7 A No, because they were dry when I got there, but I  
8 have no way of knowing if the day before they were actually  
9 dry or two days before they were dry. If they hadn't dried  
10 until the day I got there, they wouldn't have been packaged  
11 anyway.

12 Q What did you do when you returned with the  
13 clothes?

14 A Brought them out to the processing area and  
15 packaged each item individually in brown paper. I think  
16 they were each individual.

17 Q They were then put into the evidence locker?

18 A Yes.

19 Q Did you see them again before you sent them to  
20 the FBI?

21 A I only -- only the shirt and pants I sent to the  
22 ATF, and then we had nothing more to do with the clothing

1 until they were requested from us by the agents and the  
2 FBI.

3 Q You had mentioned a transfer stain on the shirt;  
4 is that correct?

5 A Yes.

6 Q Could you describe that, as you first saw it.

7 A Well, the transfer stain I saw, there was blood  
8 on his lower cheek near the jawline. The lower edge was  
9 very clean -- the blood stain and the lower edge appears to  
10 be a straight sharp edge, and I saw blood on the part of  
11 his shirt which I believe is around the shirt collar,  
12 shoulder area. I deduced that the stain was made because  
13 his face was against there at one time. The sharp edge,  
14 therefore, coming from the edge of the shirt not allowing  
15 the blood to get below that point on his face, and that's  
16 what I felt was a transfer stain.

17 Q But what position was the head of the body when  
18 you first saw it?

19 A When I saw it, his head was straight with his  
20 body looking upward.

21 Q Do you know if the head was moved before you saw  
22 it?

1 A I can only deduce that it was because of the  
2 stain I saw, but no one told me it was, and I have not been  
3 able to find -- no one ever said anything since that that  
4 it has been, but I felt it had to have been sometime in  
5 contact with that shirt prior to my arrival.

6 Q Are you satisfied with the results or the  
7 description of the stain in the Fiske report?

8 A Yes.

9 Q Do you know if the car that was found in the  
10 parking lot was tested for prints?

11 A I was told that it was processed by E.J. Smith,  
12 and I don't believe that he came out with any prints that  
13 were of value -- I mean, lifts that were of value.

14 Q But you don't know?

15 A Right now I can't recall but I don't recall  
16 seeing lifts. I think I would have made a mental note if  
17 there had been, but I know there were no lifts of value,  
18 definitely. And as to any lifts at all that were made, I  
19 think there was one or two but there was nothing on them.

20 Q Do you recall which officer followed behind the  
21 car when it was taken away?

22 A No, I don't.

1 Q When you saw the Arkansas tags on the car, did  
2 you associate anything with that?

3 A Yes.

4 Q What did you think?

5 A Well, I made -- when they had a White House pass  
6 and I saw the Arkansas tags, I suggested that this may  
7 possibly be somebody that the President may know.

8 Q Did you say that?

9 A Yes.

10 Q Would that have made a difference to you?

11 A Would it have made a difference -- it puts a bit  
12 more -- it's a little more stressful because intuitively,  
13 you know it's going to become a very important, scrutinized  
14 case.

15 Q Do you have operating procedures or protocols  
16 within the police, Park Police, concerning high profile or  
17 high ranking officials?

18 A We're suggested -- immediately we get in touch  
19 with the Secret Service and let them know what we had there  
20 at the scene.

21 Q That's part of your guidelines?

22 A I don't know if it's a guideline, or it's just --

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1 we know to do it, especially when you have somebody from  
2 the White House that may be some security matter. I don't  
3 know. There may be guidelines on it.

4 Q Do you know if the Secret Service was contacted  
5 in this case?

6 A I didn't contact them, but I was told that they  
7 were contacted from the scene.

8 Q Do you recall seeing any Secret Service agents on  
9 the scene?

10 A No.

11 Q Do you recall seeing any FBI officials on the  
12 scene?

13 A No.

14 Q Do you recall seeing anyone from any agency that  
15 you were not familiar with on the scene?

16 A Besides the rescue people, the ambulance that  
17 came to take the body away and the coroner, I don't recall  
18 anybody else.

19 Q In your experience, is it usual for the first  
20 officer on the scene to file a report?

21 A He has to file it. The incident report is the  
22 initial report.

1 Q ~~And what~~ would that be? ~~What~~ would that include?

2 A Well, in this instance, what he ~~had~~, what he knew  
3 he had at the time would be an initiating report and  
4 probably be a death investigation, classified as a death  
5 investigation. And that would just indicate how he got the  
6 call, where it was to, when he responded and what he  
7 observed and what he did.

8 Just add to that about notifying the Secret  
9 Service, we didn't know at the time, I guess even after  
10 making notification, that Mr. Foster was a friend of  
11 Mr. Clinton's or not. We didn't know what his position at  
12 the White House was. I don't think we even found that out  
13 until after we left the scene and I didn't realize until I  
14 got back to the office and was told he was friends with the  
15 President.

16 Q Did you recognize the name when you heard it?

17 A No, didn't mean anything.

18 Q Officer -- and please, if you need to refer back  
19 to your report, please do so, the report that you looked at  
20 earlier -- in that report it says that you attempted to  
21 determine the time of death at the scene. Do you recall  
22 that? I think you might want to look at page 3 in the

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1 second paragraph.

2 A No, I don't think I tried to determine the time  
3 of death. I think this is in reference to them asking me  
4 how long do you think -- the agent who was talking to me  
5 asked me how long do you think the body was there or  
6 something like that. I mean, at the scene, I don't think I  
7 said I think he's been dead for two or three hours. We may  
8 have discussed it, the investigator and I, saying how long  
9 do you think he's been here? I may have said two or three  
10 hours.

11 Q In cases of this nature, is time of death an  
12 important determination?

13 A Well, yeah. It would be. If it was a death  
14 investigation and we didn't know for sure what we had. If  
15 it turned out to be a homicide, I think that the time of  
16 death would be very important. A suicide is still  
17 important for time of death to figure out the man's  
18 whereabouts. In any death, I think it's important.

19 Q What do you usually do on the scene to try to  
20 make that determination?

21 A I don't think that's in our area of expertise.  
22 Usually -- always, we have a medical examiner or coroner

1 and that's more in his bailiwick to determine time of  
2 death. I make certain notes, flexibility, rigor, if it's  
3 there. Of course, insects, too, are good determiners of  
4 time of death. Any insect activity we would note or any  
5 other unusual -- anything unusual, lividity, if we see it,  
6 we'll know it.

7 Q Did you know lividity when you touched the arm?

8 A Lividity is something you observe rather than  
9 see. The body was fully clothed except for hands and head  
10 and so I wouldn't really -- I don't think I'd be able to  
11 see any. I didn't notice any on his hand and I didn't  
12 examine the rest of his body because his clothing was on.

13 Q Were you around the body when the medical  
14 examiner came to the scene and was with the body?

15 A Yes.

16 Q Do you recall -- were you watching what he was  
17 doing?

18 A On and off. I didn't watch him constantly. He  
19 was just looking and writing some notes and whatever. And  
20 when he went to turn the body, I got in closer and observed  
21 what he did.

22 Q Was there any conversation that you heard with

---

1 the medical examiner at the scene?

2 A I don't recall him saying a lot, but he indicated  
3 there was a wound on the back of the head where I indicated  
4 before, in back of the skull and I don't recall anything  
5 else that he said.

6 Q Do you recall if anyone discussed time of death  
7 with the medical examiner?

8 A I didn't ask him about it. But Investigator  
9 Rolla was there and I don't know if he asked him or not.  
10 He would have asked him probably so he could make an  
11 indication in his notes.

12 Q Do you see autopsy reports in the course of your  
13 work?

14 A I will sometimes. Not always.

15 Q In what sort of circumstances do you see them?

16 A The investigator gets a copy of them, and when we  
17 have questions we want answered, we'll look down and we'll  
18 look at the notes together and discuss it.

19 Q In your experience, do you usually see a time of  
20 death in an autopsy report?

21 A Not always. I don't recall always seeing it. I  
22 think when the medical examiner feels fairly certain and

1 there are certain indicators that can help them with that.

2 If those are present, they may put a time of death but

3 sometimes they don't want to obligate themselves to

4 something they really can't prove.

5 Q What are the indicators?

6 A The rigor, what portion of the body rigor is in

7 because rigor will follow a certain course and it does have

8 a certain time progression but those things can be affected

9 by weather, warm, cold and that will change the time that

10 these things occur. Lividity sets in in a certain amount

11 of time. Insect activity is indicative for how long a body

12 might have been in place and there may be other things that

13 I'm not aware of. These are just things I've picked up.

14 The medical examiner is probably much more aware than I am.

15 Q Do you know if anyone asked the medical examiner

16 to determine the time of death in this case?

17 A I don't know for sure.

18 Q I'd like to ask you some questions about the note

19 that you were involved with.

20 A Okay.

21 Q When did you first learn that a note existed?

22 A The day I came in and was told there was a piece

1 of evidence and I was given the envelope with the note in

2 it.

3 Q You hadn't heard anything in the press or

4 anywhere before that?

5 A No.

6 Q You were handed the note -- where were you handed

7 the note?

8 A I was in my office, the ID lab.

9 Q And the note -- you were handed the note in an

10 envelope?

11 A It was in a white envelope.

12 Q Was it sealed?

13 A Yes.

14 Q Did you open the envelope then?

15 A Yes.

16 Q In the presence of who?

17 A I'm not sure but I think Captain Hume was in the

18 room. I'm not sure about that.

19 Q Could there have been others?

20 A There could have been, yes.

21 Q Would you have been alone?

22 A I don't think I was alone at that point.

1 Q Could you just describe the physical condition of  
2 the note as you first saw it in the envelope?

3 A Just a quantity of torn pieces of yellow paper  
4 inside of the white envelope.

5 Q Did you notice anything unusual about it?

6 A There was some writing on the pieces.

7 Q And you were asked to put the note together?

8 A Well, I don't think I was asked to. We had a  
9 photograph of it. I was told that they had it put together  
10 at the White House and somebody had written down what it  
11 had said. I wanted to put it together so I could  
12 photograph it, which I did.

13 Q Did anyone tell you what it said before you put  
14 it together?

15 A I don't believe anybody did.

16 Q Did anyone say who had put it together at the  
17 White House?

18 A They did say some names. It didn't ring any  
19 bells and I don't remember, but there were several  
20 people -- what I recall being told, there was a number of  
21 people around the table jigsawing this thing together.

22 Q Who would have told you about that?

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1 A It would have to be Detective Megby. I believe  
2 he's the one that picked the note up.

3 Q You mentioned him, and he's in -- what is his  
4 job?

5 A He's a detective there.

6 Q He works with Rolla and Braun?

7 A That's right.

8 Q Had he been at the scene?

9 A No.

10 Q Had you dealt with him before in connection with  
11 this case?

12 A With this case, no.

13 Q Might he have been present when you got the note  
14 with Captain Hume?

15 A I don't think so. I think he was working nights,  
16 and he would have been gone by that time, so I don't  
17 believe he was there.

18 Q What kind of -- what kind of camera were you  
19 using to photograph the note?

20 A I used a 35 millimeter.

21 Q And you had to put the note together in order to  
22 photograph it?



1 A Yes.

2 Q And did you notice any missing pieces?

3 A There was one piece missing.

4 Q And could you describe what part of the piece of  
5 paper was missing?

6 A I believe it was in the lower right quadrant of  
7 the rectangle.

8 MR. GOLDENBERG: I don't know if he can draw it  
9 and make it an exhibit.

10 MR. DARMER: Sure. )

11 BY MR. DARMER:

12 Q Also, can you tell us about how big the pieces of  
13 paper were?

14 A The missing part would be right about there, and  
15 most of the pieces of paper were various sizes, but that  
16 would be an average.

17 Q Could you describe about how big that is for the  
18 record?

19 MR. IVEY: We can make it part of the record if  
20 you'd like.

21 MR. DARMER: That's fine.

22 BY MR. DARMER:

1 Q Could you say again what piece -- did you say  
2 there was a piece missing in the lower quadrant?

3 A There was a piece missing in the right-hand  
4 quadrant of the paper.

5 Q Did you have any thoughts about the missing  
6 piece?

7 A I just thought it was strange that one piece was  
8 missing.

9 Q Did you talk about it with anyone?

10 A I probably did.

11 Q Do you recall any of those conversations?

12 A I just said that it was strange -- why would this  
13 one piece be missing because I was told it was supposedly  
14 found in a suitcase. If somebody went to the trouble of  
15 tearing it up and throwing it into a suitcase, all the  
16 pieces would be in the suitcase and it would be together.  
17 Most of the message of the paper was above it, so I just  
18 opined that it may have been an initial or a date or a  
19 signature or something of that nature, but that was a pure  
20 conjecture; nothing else to indicate that's the case.

21 Q How long did it take for you to deal with the  
22 note and take a picture of it?

1 A It probably took around 10 or 15 minutes to put  
2 it together. To photograph it, maybe another 15 minutes,  
3 20 minutes.

4 Q And was someone present the whole time?

5 A There was nobody staying there with me but there  
6 were people coming in and out of the office, as I recall.

7 Q What did you do when you finished -- what did you  
8 do with the note when you finished?

9 A I put the note, which had been positioned back  
10 together, in sort of a clear document holder and placed  
11 that in the folder to keep the note in its readable  
12 condition.

13 Q Had you taped it together somehow?

14 A No. It's two pieces of clear plastic and I guess  
15 the static electricity sort of holds the whole thing  
16 together and we called in the fingerprint expert.

17 Q Before you get to the expert, did you attempt to  
18 transcribe or write down what the note said?

19 A I photographed it, and I did a Xerox photostat of  
20 it, and I made two or three copies of the Xerox photostat.

21 Q What did you do with those copies?

22 A Put them in the jacket, had numbered them and

1 initialed them, and I think I gave one copy to Captain  
2 Hume.

3 Q Did you read the note after that?

4 A Yes.

5 Q Did you have any thoughts about it?

6 A I think it was somebody saying they had found  
7 this, was a suicide note they found and in my opinion, I  
8 said this doesn't sound like a suicide note.

9 Q Why is that?

10 A Because I've read other suicide notes and this  
11 just didn't sound like a suicide note. There's no mention  
12 of family or wife, specifically I'm doing something or I  
13 have regrets and things like I have normally seen in  
14 suicide notes. It was just sort of thoughts -- they seemed  
15 to be thoughts he was writing down.

16 Q You said that the note was then given to an  
17 expert?

18 A Yes.

19 Q And this expert worked for the Capitol Police.  
20 Had you used this particular expert before?

21 A I've used him on fingerprint examinations.

22 Q Never on handwriting analysis?

- 1 A No, but I knew that he did do that.
- 2 Q Have you used other people for handwriting  
3 analysis?
- 4 A Me personally, no. I know the department has.  
5 I have something stuck in my throat.
- 6 Q If you need to take a minute, just tell me.
- 7 A I've never used him. We've used other people  
8 before, I guess. Again, we would have given the note to  
9 the FBI. I would at least in the normal course of events,  
10 but once I noted what was it said there about the FBI, I  
11 didn't want to involve them in something that may be a  
12 conflict.
- 13 Q Did you talk to anyone about that?
- 14 A I suggested that to the investigator and I guess  
15 Captain Hume who I guess was taking an active role in this  
16 investigation.
- 17 Q Did he agree?
- 18 A Yes.
- 19 Q Did someone have to sign any kind of paper to get  
20 this sent to the Capitol Police or any kind of report?
- 21 A Reports were made, yes. They should be in the  
22 folders.

- 1 Q Did you say that the handwriting expert or  
2 analyst came to the Park Police to look at the note?
- 3 A Yes.
- 4 Q Was that unusual?
- 5 A As I say, I've never had it done before. I've  
6 never made use of that before because my thinking, again,  
7 is I don't want this note to go out -- it's sort of a  
8 volatile situation and the closer control we kept on these  
9 items, the better off we'd be. I didn't want somebody else  
10 getting it, making a copy of it and releasing it to the  
11 press or anything like that, was my thinking, so I felt it  
12 would be wiser to have them come to our office and I would  
13 observe them do this and the note would stay under my  
14 control.
- 15 Q So you were present when the analysis was being  
16 done?
- 17 A Yes, in the same office I was in.
- 18 Q Was anyone else present?
- 19 A People came in and out, but I was there while he  
20 was doing it.
- 21 Q How long did it take?
- 22 A That I really don't recall. But I think it was

1 probably about an hour, 45 minutes, something like that.

2 It could have been longer.

3 Q And then do you know what happened to the note  
4 after that?

5 A I took the note back and I placed it back in the  
6 jacket in the evidence locker.

7 Q And the next time you saw it, it was being sent  
8 to the FBI?

9 A I went on my days off and I was told that the  
10 note had been sent to the FBI.

11 Q Officer, do you remember when the gun and the  
12 clothes were sent to ATF for testing?

13 A I don't recall the date, but it would be in my  
14 reports. I have a feeling it was probably a few weeks  
15 after the incident.

16 Q Do you recall when the investigation was closed?

17 A Officially, no, I don't.

18 Q Do you recall when the note was turned over to  
19 the FBI?

20 A It was on my days off and when I came back, it  
21 was not there so I don't know when they sent it and I don't  
22 know who sent it exactly.

1 Q In your experience, is an investigation usually  
2 kept open until the analysis, various forensic analyses is  
3 completed?

4 A Certainly should be, yes.

5 Q Have you ever been involved in a case where an  
6 investigation was closed before, say, a gun analysis came  
7 back or a ballistics analysis came back?

8 A Nothing that I've ever been involved in, no.

9 Q By the way, Officer, do you know at which  
10 facility Mr. Foster's car would have been tested for  
11 prints?

12 A Tested? What facility? I think it was right  
13 there in the parking area of --

14 Q Of Fort Marcy?

15 A No. At our CIB, our office area, there's a  
16 parking area. The car had probably been brought there and  
17 that's where it would have been processed for prints, I  
18 think. I don't know because I didn't do the printing.

19 Q Could you tell me again because I want to be  
20 clear, how was the decision made to send the gun to ATF as  
21 opposed to the FBI?

22 A After we read the note and saw the statement in

1 there about the FBI lying, we figured that we should send  
2 it to get it tested and the only other place we take it to  
3 is the ATF. It would have gotten to the FBI if we hadn't  
4 had that excerpt in the note and the reason for that is  
5 because I wanted it tested for trace evidence, such as  
6 blood fibers or whatever else, DNA possibly, and that's why  
7 I had wrapped the barrel originally. After reading the  
8 note, we decided it wouldn't be the wisest thing to send it  
9 to the FBI lab.

10 Q And what about with respect to the clothing?  
11 Again, what was the decision -- what was the decisionmaking  
12 to send the clothing for analysis to ATF as opposed to FBI?

13 A The clothing -- I wanted the gunshot patterning  
14 done and seeing that we sent the weapon to ATF, that  
15 clothing would naturally go there because that's the  
16 patterning. We wanted to see if it was similar to the  
17 gun. They'd need that clothing to determine that. They  
18 fire a gun into a sample of something and they observe the  
19 patterning, and they can match that up with whatever  
20 patterning is on the clothing and see if that's similar to  
21 the patterning of what they had.

22 Q Generally, if a gun is sent to a specific outside

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1 agency, you'd send anything else that you wanted a blood  
2 analysis done to the same agency?

3 A No. Blood analysis would be done -- I would  
4 personally send it to the FBI labs. The shirt and the  
5 pants were not sent to the ATF for blood analysis. It was  
6 sent there specifically for the blast pattern analysis and  
7 whether or not there was any gunpowder on the shirt and the  
8 pants and if so, was it consistent with that weapon firing  
9 and in what proximity to the mouth.

10 Q How many times did you meet with the FBI? How  
11 many interviews did they have with you?

12 A Formal interviews or just seeing them?

13 Q Any time you had a conversation with them or they  
14 called you on the phone?

15 A The FBI, you're just talking about the agents  
16 that were working for Fiske?

17 Q Let's define it FBI, anyone working for  
18 Mr. Fiske.

19 A I think I met with them four times and may have  
20 had several phone conversations.

21 Q Can you tell me around about what time frame that  
22 would have been in?

1       A    It would be spread out during the month or so of  
2 the investigation, from its inception when we first turned  
3 over the evidence and they came by the office to maybe a  
4 month later, during that period of time. They'd call up  
5 and say you said this or we have that and ask me a specific  
6 question about maybe an article of evidence we gave them or  
7 was there any more evidence or did anyone know that. Do  
8 you have copy of all the photos -- things like that. I'm  
9 trying to think of what else.

10       Q    Sometimes they would call you up directly?

11       A    My office on my line.

12       Q    Did you write down or make a report when these  
13 calls would happen?

14       A    No, I did not.

15       Q    Would you let any of your superior officers know?

16       A    I think I said I spoke to Columbel or whoever  
17 called and he asked this or that. Basically let him know I  
18 did speak and I spoke with somebody but to me, there was  
19 not any important conversations. It was just they were  
20 trying to get something cleared up that they didn't  
21 understand, such as why did you send the clothing here  
22 instead of there or something like that.

1       Q    Any other areas you recall that come to mind?

2       A    They discussed how the clothing was stored. How  
3 did we keep it? How did we store it? Could there have  
4 been any contamination of the clothing? Did we have any  
5 other cases going on at the same time that the clothing was  
6 drying on the floor? Did we have any other gun cases come  
7 in where guns were being processed in the area of the  
8 clothing? That type of thing.

9       Q    Do you recall when your last conversation with  
10 the FBI or Mr. Fiske's agents were?

11       A    Probably about maybe a week before the report  
12 actually came out.

13       Q    Did you get a chance to look at a draft of the  
14 report?

15       A    A draft? No. You don't consider that bound book  
16 a draft, do you?

17       Q    No, I don't. Officer, I want to show you what's  
18 been marked -- I'm not sure if it's marked at all. I think  
19 this has a Bates number. No, I'm sorry. Just give me a  
20 second.

21            Officer, I'm handing you a document that is  
22 unmarked with a Bates number. Can you identify it?

1 A Appears to be a supplemental report that I wrote  
2 in connection with the case.

3 Q Is that your signature at the bottom?

4 A From what I can see of it, yes.

5 Q I'm sorry. What's the date of that report?

6 A The date is 7/26/93.

7 Q Do you want to take a second to look at it? Are  
8 you familiar with it? I just want to ask you a quick  
9 question about it.

10 A Okay.

11 Q In that report you indicate that you saw one  
12 droplet of blood on the right index finger and no blood  
13 splatter on the shirt sleeves. Do you see that?

14 A Uh-huh.

15 Q In the interview, the report of the interview  
16 with the FBI, however, it appears that you say you saw no  
17 blood on the finger but you did see some blood on the  
18 shirt, and I'll hand you that. You might want to look at  
19 the top paragraph of that page.

20 A Okay.

21 Q Do you have any explanation for that  
22 inconsistency?

1 A No. I remember seeing a teeny droplet of blood.  
2 One time I thought it was on his finger but it may have  
3 been on his shirt or vice versa. There wasn't a great deal  
4 of it which I would have wanted to see, a patterning.

5 Q Officer, finally, do you have any thoughts or  
6 impressions about this investigation?

7 A Any concerning --

8 Q Of any sort.

9 A Yes. I just think the Park Police were put under  
10 a lot of pressure to hurry up and get this thing done. I  
11 don't like -- in a death investigation, there should never  
12 be any pressure.

13 Q Was that discussed among the Park Police  
14 involved, personnel involved?

15 A Yes, a lot of anger towards it.

16 Q If the investigation hadn't been rushed, what  
17 other kinds of -- what would you have done? What would  
18 have been done differently?

19 A I don't know. There was some items of  
20 evidence -- maybe not evidence, but there was articles that  
21 were gathered, personal papers and things which I think  
22 were released to the family's attorney. My opinion is we

1 keep everything until we are finished, and then we can  
2 release everything and there were certain items being  
3 released or the general talk was they want this back, they  
4 want that back. There's pressure for us to hand things  
5 over and my feeling is we don't hand anything over until  
6 we're done.

7 Q Do you recall what kind of items or paper we're  
8 talking about?

9 A There was a number of personal jottings and notes  
10 of paper that were found in the car, I believe.

11 Q Could you tell us about the papers in the car  
12 that you were just discussing.

13 A I only saw them for a short period of time  
14 because I didn't collect the papers that were in the car.  
15 I believe the investigator collected them. There was some  
16 papers that had numbers on them that I recall.

17 Q Were they papers like legal-sized papers or  
18 typewritten papers, or are they notes?

19 A Some looked like small personal notes and  
20 jottings. There was a number of them, but I don't recall.  
21 It was like his wallet and other personal items.

22 Q Were they strewn in the car? Do you recall how

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1 they appeared?

2 A I don't think so. I think they were probably  
3 taken from maybe the glove department or the map  
4 compartments, things like that, but I didn't collect them.

5 Q Do you know what would have happened to the notes  
6 or any papers found in the car?

7 A The investigators had taken some of them. I  
8 don't know if they took all the papers out of the car. And  
9 then from my understanding, they were released to the  
10 family's attorney.

11 Q Do you know when?

12 A Within a day or -- well, within -- I was gone for  
13 four days, so I think by my return or the next day, they  
14 were probably given back.

15 Q Who would have been the personnel that would have  
16 been dealing with those papers that were found in the car?

17 A I think it was probably Rolla. I don't know who  
18 else got involved in the investigation. I think Markland  
19 got involved in the investigation, and Captain Hume was  
20 actively involved in the investigation. Any one of them  
21 could have released that or released those things.

22 Q Was it unusual for papers found on the scene to



1 ~~be released that quickly?~~

2 A In a -- depending on the type of scene and what  
3 the paper was. If it was something that was important to  
4 the family that would hurt them or be detrimental to them  
5 and we couldn't see any more evidentiary value, we may  
6 release it so as not to cause any problems, but if there  
7 was no need or rush of releasing things, I would always say  
8 hold on to them until we finish the investigation and all  
9 the facts are in.

10 Q In other cases, would you make copies of that  
11 kind of documentation for the investigation?

12 A If they were taken, because they may have had  
13 some value. They should have been photostated at least, I  
14 think.

15 Q Do you know if the papers found in the car were  
16 copied?

17 A I think they did. I think they did copy them but  
18 that would be kept with the detective's jacket, not mine,  
19 and I forget, but I think I was asked if I could release  
20 some other things. I can't recall right now, and items  
21 that I had collected, and I can't recall right now what  
22 they would have been. It may have been the keys or some

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1 other items, but at that point I suggested that we don't  
2 release anything else until we're finished with our  
3 investigation.

4 Q Who would you have said that to?

5 A I think Captain Hume asked me, something to the  
6 effect that the attorney wants to know if we can have  
7 something like that.

8 Q If requests came from the family for release of  
9 information before an investigation was done, would it  
10 usually come at the level, at the level of Captain Hume?  
11 Is that how you would hear about it?

12 A Not normally, but because he was involving  
13 himself in the investigation, it would be like whoever the  
14 investigator was requesting it. That level of authority is  
15 not that far -- we're more an informal type of a situation.

16 Q You mentioned that you felt some pressure to get  
17 the investigation done. Can you describe that or how you  
18 specifically felt on specific things you had to do and why  
19 you felt pressured?

20 A I was uncomfortable with the fact that I was --  
21 that the weapon had been fingerprinted without any  
22 notification of myself because I did specifically wrap the

1 barrel and my intent was to have tests done in a certain  
2 order so as not to contaminate or destroy any evidence.  
3 And it was my understanding because of pressures that were  
4 being placed, that they wanted the gun for some reason  
5 fingerprinted immediately, and that shouldn't have been  
6 done that way.

7 Q Do you know who ordered the fingerprinting while  
8 you were gone?

9 A I wasn't there, so it would just be hearsay.  
10 E.J. Smith is the one that actually was told to process the  
11 weapon.

12 Q But you don't know who told him?

13 A Like I say, I just know what I've been told.

14 Q Did he tell you who told him to do it?

15 A I think he said Sergeant Rule, R-u-l-e, told him  
16 to do it, and I think it was because Captain Hume wanted  
17 the gun processed.

18 Q Was Sergeant Rule working on the case?

19 A He's a supervisor, CIBC supervisor, and I don't  
20 think he was directly connected to that case, but it was  
21 his shift to work.

22 Q In your experience in other cases when you've

---

1 wrapped a gun, prepared it to be analyzed, has someone else  
2 come in and done things with it while you're out of the  
3 station or the office?

4 A I don't recall, and I get -- it angers me if  
5 somebody steps into a case because it's unusual that should  
6 happen. And it was unusual in this case that it should  
7 happen. I had placed a note on it saying "do not touch"  
8 specifically, handwritten note on the bag saying "not  
9 processed, do not touch" and when I came back off my days  
10 off, I found that it had been fingerprinted.

11 Q Did you talk to Captain Hume about it?

12 A Yes.

13 Q Could you describe that conversation.

14 A I just told him that I was upset about the fact  
15 that it was done. He said it should have been done. It  
16 should have been done immediately and I disagreed with him  
17 saying there was other evidence that was more important at  
18 the time than that, and he said basically that I wouldn't  
19 understand the amount of pressure that was coming down.

20 Q Did he describe the pressure in any more detail?

21 A He didn't actually describe it, but he told me I  
22 wouldn't understand it. There was a lot of pressure coming

1 down and he felt it should have been done immediately and  
2 the question of why I didn't do it.

3 Q Had anyone else in conversations you had made  
4 reference to pressure coming down?

5 A There was just general talk about that, that  
6 there was pressure, and it was usually referenced pressure  
7 from the White House to get this thing done, let's get it  
8 wrapped up, that type of thing.

9 Q Do you have any other thoughts about the  
10 investigation or how it was handled?

11 A No. I think we did the best job we could under  
12 the circumstances.

13 Q Did you put any of these kinds of thoughts or  
14 concerns into any kind of written form or memo?

15 A As far as the evidence and --

16 Q Concerning the time pressures, for example, when  
17 you discovered the printing had been ordered in your  
18 absence?

19 A I think I made note of it in one of my reports  
20 that I had wrapped the part and in order to have it sent to  
21 the lab for trace evidence and upon my return, they had  
22 fingerprinted it. But we're not supposed to put opinions

---

1 into our reports, so I leave my opinions out.

2 Q Did you see any -- was there any memoranda that  
3 you saw or read, other than the case reports about this  
4 investigation?

5 A Besides newspapers?

6 Q Yes. I'm talking about internal, anything that  
7 was produced by the Park Police.

8 A No, I haven't. I don't remember seeing anything.

9 Q Do you remember any kind of communications from  
10 senior people in the department about how to deal with the  
11 investigation or the time frame?

12 A I don't remember seeing anything.

13 Q Have you seen the file jacket of this  
14 investigation?

15 A Which file jacket?

16 Q The file where all the reports are compiled.

17 A I probably have seen it. I haven't gone through  
18 it and the one I have is my mobile crime jacket which I put  
19 together. As far as the investigator's jacket, I don't  
20 think I ever looked through that.

21 Q Who would be in possession of that?

22 A The original -- I don't know if the Fiske

1 investigation took them, or if not, they should be at our  
2 office.

3 Q And would it be the investigator in charge?  
4 Would it be under his name?

5 A It would be put in a file probably by the  
6 district where it occurred, a central district, west  
7 district.

8 Q And which district is Fort Marcy?

9 A Fort Marcy would be the west district.

10 MR. DARMER: I don't have any further questions,  
11 Officer. Thank you.

12 MR. IVEY: Just briefly, could we mark this.  
13 (Simonello Exhibit 2 identified.)

14 EXAMINATION

15 BY MR. IVEY:

16 Q Could you write on here which shape is the one  
17 that would be the missing piece.

18 MR. DARMER: We need to indicate somehow that  
19 this was -- he looked at it. Do you want to have it --

20 MR. IVEY: I think by the name.

21 BY MR. IVEY:

22 Q Is this only a one-page report?

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130

1 A No. There's one before that. That's sort of the  
2 second part.

3 Q This is the second page?

4 A Yes.

5 Q Or was a different report done?

6 A That's the second page, I believe.

7 MR. DARMER: Is this what you're referring to as  
8 the first part? That's done on a different date, isn't  
9 it? Why don't you take a look at both of them and describe  
10 them on the record.

11 THE WITNESS: The first page I did on 7/25/93 and  
12 this second supplemental was done on the 26th.

13 MR. DARMER: Could you describe what they are for  
14 the record.

15 THE WITNESS: Page 1 is the mobile crime lab  
16 report and the second page here is a mobile crime lab  
17 report supplement.

18 MR. DARMER: And you authored both of those?

19 THE WITNESS: Yes.

20 BY MR. IVEY:

21 Q Why did you do two reports?

22 A It was a continuation of what I was doing. If I

1 did something the next day or the day after, I would  
2 include it on the supplemental.

3 Q Are there other supplemental reports that you  
4 did?

5 A I believe those are the ones that I have  
6 completed, that I did.

7 Q Let me go back quickly to the personal papers  
8 being released prematurely. You mentioned something about  
9 pressure from the White House. Tell me about that. Do you  
10 know particular people in the White House who were  
11 generating this pressure?

12 A No. They weren't named specifically. It was  
13 just -- I was told, and I believe it was from Captain Hume,  
14 that we're getting a lot of pressure. The White House  
15 wants this done, something to that effect, not probably  
16 word for word, but that's definitely what I was getting.

17 Q Do you know whether this would have been before  
18 or after you came back from your days off?

19 A It was after I came back.

20 Q And you came back -- you did the investigation on  
21 July 20th?

22 A That was the date of the incident.

---

1 Q The day he was found, okay. And you took how  
2 many days off?

3 A I was off one day off and three days leave. So  
4 it was a total of four days.

5 Q The 21st, 22nd, 23rd and 24th you were off and  
6 your first day back would have been July 25th?

7 A Sunday.

8 Q Did anyone other than Captain Hume talk about  
9 this pressure that was causing the investigation to be  
10 expedited, I guess?

11 A Markland, I'm sure, had made a few comments.

12 Q Did they ever mention having gone to the White  
13 House?

14 A Yes.

15 Q What did they say about it?

16 A That they weren't happy about the way business  
17 was conducted.

18 Q Did they say why they weren't happy?

19 A Because they felt they had an entitlement to see  
20 what was being looked at in case there was anything of  
21 evidentiary value and it's not usually how things are  
22 done. You don't have police investigators sitting at one

1 end of a room and a number of lawyers going through  
2 everything saying what you can and can't look at.

3 Q This event they were talking about was when they  
4 went to the White House to try to look through Mr. Foster's  
5 personal papers and his office?

6 A Right. That's what I'm referring to.

7 Q Do you remember how long they talked about it  
8 with you? Was it a lengthy conversation, short  
9 conversation?

10 A No. It was just probably very short, just  
11 letting us know basically what happened and how they  
12 weren't happy about it.

13 Q Do you remember if that conversation about having  
14 gone to the White House was in conjunction with the  
15 conversation you had with Captain Hume about pressures from  
16 the White House?

17 A No. I think those were two separate issues.

18 Q Two separate conversations?

19 A Uh-huh.

20 Q And what about when the torn note was brought to  
21 you, was that after those conversation or before? Where  
22 did that come in the time line?

---

1 A The note would be afterwards because that was  
2 brought after they were at the White House. They had been  
3 at the White House to look through the office and the  
4 papers and nothing was found at that time, I guess.

5 Q They did that when you were off; right?

6 A Yes, I think so.

7 Q So you came back on the 25th?

8 A Uh-huh.

9 Q And did they talk with you that day about having  
10 gone to the White House?

11 A It would have to be because that was the first  
12 time I was back after they had been there. And a  
13 discussion about the pressure was -- it would probably have  
14 to be Monday when Captain Hume is off on Saturday and  
15 Sunday, so I wouldn't have seen him until Monday or Tuesday  
16 so that's when he would have had the conversation.

17 Q That would be like the 26th or 27th; is that  
18 right?

19 A Yes.

20 Q And you got the torn note on the 27th, wasn't  
21 it? Do you recall?

22 A I don't recall the date.

1 Q In your conversation here in the FBI report, I  
2 think it's this paragraph, you talk about the events. And  
3 can you look at that and tell us if it refreshes your  
4 recollection about the events?

5 A Best of my recollection, that's correct.

6 Q So the dates would have been when, for when you  
7 got the --

8 A It says here on July 28th that I had received it  
9 from Captain Hume.

10 Q Do you recall any of the other investigators like  
11 Rolla talking about pressure from the White House or  
12 anything like that?

13 A I don't recall specifically. There was a lot of  
14 general talk around the office about it.

15 Q Was there any talk about the media creating  
16 pressure?

17 A No. Basically, the talk about the media was we  
18 felt we were being dealt with unfairly because we weren't  
19 allowed to release any information and all this conjecture  
20 that was going on in the media was making us look bad.

21 Q Did Hume say why he wanted the gun printed  
22 immediately?

1 A He said he wanted to know if there was any  
2 fingerprints on it.

3 Q But the need to know that immediately, did he say  
4 why?

5 A I believe it was because of pressure.

6 Q And you said you felt that there were other  
7 evidentiary issues that took precedence over printing the  
8 gun?

9 A Yes.

10 Q What were those?

11 A Finding any trace evidence that might be on the  
12 gun, blood, blood stains, tissues, blood splatter that may  
13 not be observable to the naked eye, maybe DNA, if it calls  
14 for it, if there's any way to do that, hairs, fibers, that  
15 sort of thing.

16 Q Let me go back to the conversation about the trip  
17 to the White House. Did they mention any specific names of  
18 people at the White House who had caused the problems with  
19 them trying to search?

20 A The name Nussbaum came up a few times, I believe.

21 Q What did they say about him?

22 A It wasn't very complimentary. It was just in

1 general, how uncooperative he was and several other things  
2 which I don't recall.

3 Q Do you recall any other names?

4 A I know there were others but nothing that's  
5 really sticking in my mind.

6 Q Did they mention anything about Secret Service?

7 A I think that there was an agent in the room with  
8 them when they went through the -- when the process of  
9 going through the papers was going on.

10 Q What about the FBI agents that were with Hume and  
11 Markland? Did they mention anything about that?

12 A Just that one of the agents stood up to stretch  
13 and he was then told are you trying to look at these papers  
14 or something to that effect.

15 Q And that would have been from some White House  
16 personnel?

17 A Yes.

18 Q Do you recall if they said it was Nussbaum that  
19 said that?

20 A I don't know. I don't recall.

21 Q Do you recall if they discussed the tone of that  
22 statement?

1 A It was accusatory -- as far as what I get out of  
2 it, the agent wasn't really happy about being talked at  
3 that way.

4 Q So in your view, would Hume and Markland's view  
5 of the event at the White House, would it be fair to say it  
6 was an unpleasant experience for them?

7 A Oh, yeah. That's the impression I got from them.

8 Q Do you know with respect to the release of the  
9 documents, did the attorney that received the documents  
10 contact your office? Did you hear that discussed at all?

11 A Not that I remember.

12 Q Does the name Hamilton ring a bell for you?

13 A I've heard that name.

14 Q Do you remember in what context?

15 A No.

16 Q One last set of questions. You said earlier  
17 something about the case being closed -- it being unusual  
18 that the case was closed before some of the lab results had  
19 come back.

20 A I believe I said it would be unusual if the case  
21 was closed prior to results coming back. I don't know if  
22 that's the case or not.



1 Q Oh, okay. So in this particular case, do you  
2 know what the timing was on that?

3 A No. I don't know the specific day that we  
4 declared the case closed. I don't recall what date that  
5 was.

6 Q I take it in this case the analyses came back  
7 relatively quickly, too. It seems like most of this stuff  
8 was done pretty quickly.

9 A Yeah.

10 Q The fingerprint results, how long did it take to  
11 get those back?

12 A From the note from the FBI?

13 Q No, I'm sorry, from the gun.

14 A Well, that was done in office. Our technician  
15 printed the gun so that was done within three days.

16 Q And the ATF analysis, about how long did it take  
17 to get that stuff done?

18 A It wasn't long. Probably about a week or so, but  
19 I think it would be indicated somewhere by the dates we  
20 have.

21 Q Would it be fair to say the case was still open  
22 by the time you got those results back?

1 A I would hope it was.

2 Q To the best of your knowledge, was the case till  
3 open?

4 A To the best of my knowledge, it was.

5 MR. IVEY: I don't have any other questions.

6 MR. DARMER: I have a couple more.

7 EXAMINATION

8 BY MR. DARMER:

9 Q You don't know when the case was closed?

10 A I don't know the date.

11 Q And you don't know if the case was closed before  
12 some of the analysis came back?

13 A I don't know. I remember saying we have these  
14 tests to get done. It shouldn't be closed until we find  
15 out what the results are -- until we have these tests done.

16 Q Who did you say that to?

17 A I believe it was Captain Hume.

18 Q A couple quick questions, officer. Captain Hume  
19 and Markland, did you say, were the ones who went to the  
20 White House, the Park Police officers --

21 A I believe so.

22 Q -- who went through the search of Foster's

1 offices?

2 A Right.

3 Q Did they describe in any kind of detail the  
4 search of the office?

5 A I don't believe I was there when they returned.  
6 I didn't come back for a few days after that. I went for  
7 my days off. I think they did describe the situation, the  
8 seating arrangements and what was going on there.

9 Q But they didn't describe it when you were  
10 present?

11 A They described it in front of me, but not -- it's  
12 not when they first came back into the office. There might  
13 have been two or three days later when it got discussed  
14 again and all this came out.

15 Q How much detail did they go into when they were  
16 describing the search?

17 A Fairly good detail, as far as the way the seating  
18 arrangements were, how many people around the desk, the  
19 setup of what papers were being looked at and this is --  
20 you can see this is personal and this isn't, all that type  
21 of thing. The only way I'd get that information is hearing  
22 it from them. I wasn't there. I recall all this being

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1 said.

2 Q I was just asking what you recall being said. Do  
3 you recall whether they mentioned a briefcase or any kind  
4 of bag?

5 A Yes, there was a briefcase and Markland had  
6 looked into it and there was nothing in there.

7 Q You mentioned that you had told Captain Hume that  
8 a number of other tests needed to be done before the gun  
9 needed to be sent to be printed. You mentioned a series of  
10 tests, DNA, hair, fiber, tissue samples. Were those tests  
11 undertaken?

12 A They were done finally by the FBI.

13 Q In what time frame?

14 A They weren't done until -- I guess until the  
15 Fiske --

16 Q They weren't done in the context of the Park  
17 Police investigation?

18 A Those specific tests, no.

19 Q You don't recall seeing anything about those  
20 tests, do you?

21 A No.

22 Q In an ordinary homicide or violent crime case,

1 would those sorts of tests have been undertaken as part of  
2 your investigation?

3 A Yes.

4 Q Did you think it was unusual that they weren't  
5 undertaken in this case?

6 A I felt that the type of processing that was done  
7 on the gun for fingerprints destroyed or completely  
8 contaminated any of those trace evidence, and that's why I  
9 myself didn't think that these tests would be capable of  
10 being done.

11 Q As a result of the way in which the tests were  
12 done on the gun?

13 A The way it was printed. It was black dust and  
14 powder on it and coated the whole surface of the gun and  
15 that's my opinion.

16 Q Did you reflect that in writing anywhere?

17 A Not that I felt that it was contaminated or that  
18 it shouldn't be processed, no, only the fact that it  
19 shouldn't have been printed.

20 Q Did you ever talk to anyone about the possibility  
21 of the gun being processed for certain tests, the DNA, the  
22 printing?

1 A After the printing?

2 Q After the gun had been printed.

3 A After the gun was printed, I didn't suggest it.  
4 I thought it was too late to have it done because of the  
5 contamination the powders would have caused, and I wasn't  
6 familiar with how advanced the techniques of the FBI were  
7 that they could still do these things.

8 Q You mentioned that you put in writing that the  
9 prints had -- the print tests on the gun had been  
10 completed; is that right?

11 A It's one of the reports that the gun was  
12 fingerprinted for latents.

13 Q Did you make any writing or any kind of internal  
14 memo regarding the tests on the gun?

15 A As to it should have been done, shouldn't have  
16 been done?

17 Q Should have been done, timing, anything.

18 A Most of what I did was oral to supervisors.

19 Q You wouldn't have written yourself notes?

20 A No, I didn't.

21 Q And you didn't see any internal police memoranda  
22 about the gun or that analysis?

1 A No.

2 Q Officer, do you believe that the White House was  
3 obstructing the course of the Park Police investigation?

4 A My opinion?

5 Q Yes.

6 A If it was any other investigation and what had  
7 happened, we would have had more room to investigate it and  
8 I feel the actions that were taken there obstructed it.  
9 Normally, we would have gone in and been able to search a  
10 room. The room would have been secured immediately until  
11 we got there. We would have done a normal search of the  
12 room for evidence.

13 And any other investigation I've been on I've  
14 never heard of any setup like this where lawyers were going  
15 through this and saying this you can see and this you can't  
16 see. This is personal and you can't see it. Well, that's  
17 exactly what you want to see in a suicide, is personal  
18 items because that's what suicides are about.

19 Q What about with regard to the rest of the  
20 investigation that didn't involve the search of the office?

21 A I didn't have any direct contact with the White  
22 House. What I was getting is there was a lot of pressure.

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1 We've got to get this thing wrapped up and let's get it  
2 done and that type of thing, and I've never had that told  
3 to me before on any other investigation.

4 MR. DARMER: Thank you. I have no further  
5 questions.

6 MR. IVEY: All for me.

7 (Whereupon, at 12:55 p.m., the deposition was  
8 concluded.)

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PETER J. SIMONELLO

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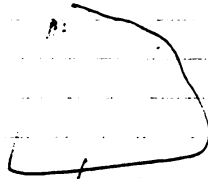
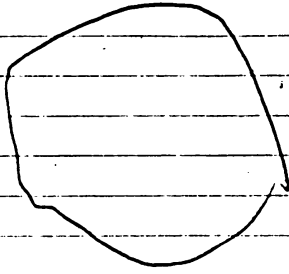
CERTIFICATE OF NOTARY PUBLIC & REPORTER

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I, JULIE BAKER, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn; that the testimony of said witness was taken in shorthand and thereafter reduced to typewriting by me or under my direction; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and, further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

  
\_\_\_\_\_  
Notary Public in and for the  
District of Columbia

My Commission Expires      SEPTEMBER 30, 1997



missing



**DEPOSITION OF CHARLES W. HUME  
IN RE: S. RES. 229**

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**FRIDAY, JULY 22, 1994**

**U.S. SENATE,  
COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS,  
Washington, DC.**

**Deposition of CHARLES W. HUME, called for examination pursuant to notice of deposition, at 9:00 a.m. in Room SC-10 of the U.S. Capitol, before CINDY L. SEBO, a Notary Public within and for the District of Columbia, when were present:**

**GLENN F. IVEY, Esq.  
Majority Counsel  
ROMAN E. DARMER, III, Esq.  
JULIE FALLON, Esq.  
IRA PAULL, Esq.  
Minority Counsel  
Committee on Banking, Housing, and Urban Affairs  
U.S. Senate  
On behalf of the Committee.**

## CONTENTS

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| WITNESS                | EXAMINATION |
|------------------------|-------------|
| <b>Charles W. Hume</b> |             |
| by Mr. Ivey .....      | 3, 335      |
| by Mr. Darmer .....    | 125, 336    |

## EXHIBITS

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| Charles W. Hume<br>DEPOSITION NUMBER | IDENTIFIED |
|--------------------------------------|------------|
| Exhibit 1—Autopsy Report .....       | 66, 860    |
| Exhibit 2—Letter .....               | 273, 867   |
| Exhibit 3—Letter .....               | 276, 869   |



1 Whereupon,

2 CHARLES W. HUME

3 a witness, called for examination by counsel and, after  
4 having been sworn by the notary, was examined and  
5 testified as follows:

6 EXAMINATION

7 BY MR. IVEY:

8 Q Let's cut to the chase, I guess. My name is  
9 Glenn Ivey, I'm counsel for Senate Banking Committee.  
10 Normally I do a longer version of this, but because of  
11 the time constraints, I'll do a short version.

12 This is a deposition related to the  
13 investigation in the death of Vincent Foster. It's  
14 being done pursuant to Senate Resolution 229, and there  
15 are going to be hearings next week that also stem from  
16 that resolution, and you may be called as a witness at  
17 these hearings.

18 This is a deposition we've taken in  
19 preparation for that. It's being transcribed as you  
20 see. You're under oath, as you know, so I ask that you  
21 give honest answers, obviously.

22 And to the extent that you give answers that

1 include any type of guesswork or speculation, just let  
2 us know in advance. If I ask a question that you don't  
3 understand or you want repeated, feel free to ask me to  
4 repeat it. And if you want to take a break as we just  
5 discussed off the record, feel free.

6 Would you state your full name for the  
7 record, please, and spell your last name?

8 A Charles W. Hume, it's H-U-M-E.

9 Q And what do you do for a living, sir?

10 A I'm a police officer.

11 Q How long have you been a police officer?

12 A Well, with the U.S. Park Police, 24 years.

13 Q Were you an officer before that?

14 A Right.

15 Q Where?

16 A City Police Office in Fredericksburg,  
17 Virginia.

18 Q And how long were you there?

19 A I was a sworn officer for a year.

20 Q Okay. And what's your position with the Park  
21 Police now?

22 A I hold the rank of captain, and the position

1 is assistant commander of the criminal investigations  
2 branch.

3 Q And what are your responsibilities as  
4 assistant commander?

5 A Well, to oversee the different sections of  
6 the branch and to also act as the executive officer,  
7 you know, from an administrative point of view, which  
8 means make sure the typewriter works and the computer  
9 works and the secretary shows up on time and things  
10 like that, you know.

11 Q Okay. And what does CIB handle, what types  
12 of crimes does CIB handle?

13 A Well, we handle all types of crimes. We have  
14 a major crime section which handles your normal rapes,  
15 robberies, assaults, death investigations and that sort  
16 of crime. And then we have a drug unit that handles  
17 narcotic and vice investigations.

18 Q Okay. Now, let's go to July 20th, 1993.  
19 Were you on duty on that day?

20 A Yes, I was.

21 Q Okay. Did there come a point when you  
22 learned about a death at Fort Marcy Park?

1 A I did but not on July the 20th.

2 Q When did you learn about that?

3 A I learned about that on July 21st.

4 Q How did you learn about the death at Fort  
5 Marcy Park?

6 A I came into work sometime between 6:00 and  
7 6:30, I guess, which is my normal arrival time in the  
8 office, and I just picked up on the conversation and  
9 the activity that was going on in the office.

10 Q What type of conversation and activity was  
11 there?

12 A Typically what you would have in a bare area  
13 of a detective office, the previous night's crimes  
14 being discussed, and what was unusual about this one  
15 was I noticed a couple of the investigators that had  
16 worked the previous evening were still there.

17 Q Which ones?

18 A If I remember, and this is the best as I can  
19 recall --

20 Q Yes, sir.

21 A -- Investigator Rolla and Investigator Cheryl  
22 Braun.

1 Q Did you ask them why they were still there?

2 A I don't think I personally did, you know. I  
3 have lieutenants and sergeants and whatnot that work  
4 under me. There came a point in time, obviously, I  
5 learned that, but how I did, I don't recall.

6 I don't remember sitting them down and having  
7 a brief meeting. I don't recall any formal -- I had  
8 some other thing I was working on that morning also.

9 Q Well, after you overheard this conversation,  
10 what did you do with respect to that conversation?

11 A Well, I guess the first thing I remember  
12 really what I would call significant, one of the  
13 sergeants was trying to set up the day's activities,  
14 you know, give assignments and -- which is a typical  
15 type of activity, you know, that would take place in  
16 the mornings like that when something is, what we call,  
17 spilled over from the previous shift or relief that  
18 needs follow up and whatnot.

19 And he was trying to decide which  
20 investigators or detectives and whatnot to give out  
21 these various assignments to. And he was a fairly new  
22 detective sergeant; he's been -- I think he had been a

1 sergeant for a while, but he hadn't been in the office  
2 that long.

3 Q And who was this?

4 A Sergeant Bob Rule.

5 Q Okay.

6 A I think we had another sergeant there, too,  
7 but I was not sure what he was doing, but I'm not even  
8 sure if he was there. But anyway I'm pretty sure it  
9 was Sergeant Rule, the best I recall. And when he was  
10 trying to decide -- and this was back in the  
11 supervisor's office.

12 And I had walked in when they were discussing  
13 the various assignments when he was trying to decide  
14 who he wanted to send up to the White House to follow  
15 up on that end of it. At that point I --

16 Q The White House caught your attention?

17 A Using a supervisory prerogative, I guess you  
18 would say, I decided that I would make the decision who  
19 would go up there, and I picked a detective that I have  
20 a great deal of confidence in.

21 Q Who was that?

22 A Detective Pete Markland, who's now sergeant.

1 And I made it very clear that he would be one of them.

2 Q Did someone explain to you what was supposed  
3 -- why someone needed to go to the White House?

4 A No one had to explain it to me. I had been a  
5 police officer for quite a few years, I knew what had  
6 to be done, what's standard in any death investigation,  
7 and there are certain things that you do.

8 And I mean, when you say explain it to you  
9 now, are you saying -- brief you on what's taking place  
10 or tell you what has to be done?

11 Q Yes, sir.

12 A I know what had to be done, I didn't need  
13 someone to tell me what had to be done.

14 Q So I take it by this point, you had learned  
15 that Vince Foster was an employee at the White House of  
16 some standard?

17 A Right, yes.

18 Q And that was from the conversation you had  
19 overheard when you first came in?

20 A Right, and -- yeah, sure.

21 Q Okay.

22 A You know, to tell you exactly -- you know, a

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1 lot of things were going on that morning, like I said.  
2 I had some other problems I had to follow up and deal  
3 with from the previous day that I was working on, so  
4 this Vince Foster thing was not taking 100 percent of  
5 my time.

6 Q Okay.

7 A I mean, we had a lot of other cases and a lot  
8 of other things going on other than the Vince Foster  
9 case --

10 Q Yes, sir.

11 A -- that may have been one that caused us a  
12 lot of concern, but that's not the only case that we  
13 handled last year.

14 Q Now, you mentioned you know what to do when  
15 there's something involving the White House. What are  
16 the steps or what are the procedures?

17 A I didn't say involving the White House now, I  
18 said involving death investigations.

19 Q Okay. In a death investigation.

20 A Okay. I'm sure we'd rewrite the manual on  
21 the White House death investigations, but, no. I mean,  
22 it's standard -- you know, you got a death; you got to

1 notify the next of kin. It's a checklist of things you  
2 run down.

3 Q Tell us what types of things you would do or  
4 that you actually did that morning.

5 A Well, I'm sure at this point I was aware that  
6 John Rolla and Cheryl Braun had gone over to  
7 Mrs. Foster's house, so we had that particular point of  
8 the death notification.

9 I also was aware that she had not been  
10 interviewed; that, because of her emotional state, they  
11 were unable to interview her and also because of an  
12 unusual condition that occurred over there. I  
13 understand that the president showed up.

14 So contrary to what a lot of people want to  
15 believe and the way some of them wanted us to handle it  
16 as a normal case, it was by no means a normal case;  
17 okay?

18 Q Okay. What other types of things would you  
19 do in a death case or did you do in this case?

20 A Well, you go back and -- who were they last  
21 seen with, when last seen alive. You know, you've got  
22 to have a starting point, and that's normal. You try

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1 to go back interview the next of kin, you know. I  
2 don't even know if at that point that we knew, but I'm  
3 not real sure. You know, it's been a while.

4 Q Yes.

5 A And if we knew who he was last seen with, we  
6 may have known that, because I know Rolla and Braun had  
7 met with some people and talked to some people from the  
8 White House, I think, that previous night. So we may  
9 have known he was last seen at his office.

10 My guess was we did know that because that  
11 was one of the things that was on my mind, was getting  
12 up and going through the office and look for any  
13 evidence that would assist us in the death  
14 investigation. So I would have to say, yes, that we  
15 probably did know that.

16 Q Okay. So when you told Markland to go to the  
17 White House, those were the types of things that he was  
18 being sent there to do?

19 A Right. Well, at the beginning, you know, I  
20 wasn't even discussing this with Markland, this is with  
21 the supervisor. At some point I did approach Markland,  
22 and I went back and probably did some other things.

1 But I do recall instructing Pete to make the  
2 phone calls. I think Pete used to be a White House  
3 police officer, uniform, if I remember correctly.

4 I asked Pete to make those arrangements, and  
5 that would primarily mean getting, you know, the  
6 security people to let us in through the gate and so  
7 forth.

8 Q Had you been to the White House on police  
9 business before?

10 A Yes.

11 Q Okay. So you were familiar with the  
12 procedures that you had to go through to --

13 A You've either got one or two things; you have  
14 to have a White House pass or access. You have to have  
15 permission. Like coming here into the Capitol, even  
16 though I'm a police officer, I don't walk right in  
17 carrying a gun.

18 I knew there were -- we have beat officers  
19 all around the White House, and I had been in there  
20 many, many years ago just to use a Coke machine, you  
21 know, and so forth.

22 Q All right. So you told Markland to make the

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1 arrangements. And then what did you do after that with  
2 respect to this investigation?

3 A Well, I made the decision I'd be the second  
4 person going to the White House.

5 Q Okay. And why did you do that, why did you  
6 decide that?

7 A A couple of reasons; I wasn't satisfied who  
8 else we had to go with him necessarily.

9 Q In what sense?

10 A Experience. Tact or -- a lot of things, you  
11 know. You know, it's difficult to sit here and  
12 enumerate those, you know. You look around a room, and  
13 it's like playing a game, you know, playing a game of  
14 ball, you want the best players on your team, okay? I  
15 mean, based on the training and experience. And there  
16 were other jobs to be done, and I felt they were better  
17 suited to do the other jobs that had to be done.

18 And reason two, I knew I could pick the phone  
19 up and call the chief of police, I have access to him.  
20 And I felt -- to be honest with you, I felt that was  
21 probably going to have to be done.

22 Q MPD, you mean?

1 A No, my chief.

2 Q U.S. Park Police?

3 A No, I wouldn't call MPD, I have no reason to  
4 call them. You know, what went through my mind at that  
5 particular moment, I can't tell you, Glenn, I don't  
6 know. I just sensed it was probably if I went up there  
7 and started getting phone calls later and I was  
8 actually up there, I knew what was going to be going  
9 on.

10 Q Now, Rolla and Braun, were they still present  
11 at the station at this point?

12 A At the point where I'm telling Markland to  
13 make the arrangements?

14 Q Yes.

15 A They may have left at that time. See, like I  
16 said, I was -- there was another matter that I was  
17 trying to resolve, it had nothing to do with this --

18 Q Okay.

19 A -- that took my attention. I would go back  
20 and forth.

21 Q Were the people that were on the case the  
22 night before, Rolla and Braun, in your estimation, up

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1 to the task of doing this investigation?

2 A The preliminary part, certainly.

3 Q Okay.

4 A Any time that we bring someone into the  
5 office, we put them through a period of training, and  
6 once they complete that any are capable of handling a  
7 preliminary investigation. And that's all we'd done up  
8 to that point, was a preliminary investigation.

9 Q Okay. Did you ever feel that they had been  
10 less than thorough or competent in what they had done?

11 A No, not under the conditions that they had to  
12 work under, no. I'm quite satisfied with the job they  
13 did. In fact, I have a lot of faith in those two, I  
14 think they're two excellent investigators, yes.

15 Q All right. So after you decide you're going  
16 to go with Markland to the White House, what happens  
17 next?

18 A Well, I remember him briefing me on what he  
19 had determined and -- because I can remember being a  
20 little concerned about the time frame at the point he  
21 briefed me, and I don't remember these times.

22 But he said that -- I don't know if it was

1 10:00 or what time he said that they would meet us at  
2 the gate. And I can remember being a little concerned  
3 about the time factor that, you know, why not now or  
4 within the next few minutes, you know.

5 But he explained that to me, as to why, and I  
6 don't know. I mean, I went back to something else, I  
7 accepted that, I think, the best I recall. I certainly  
8 didn't do anything myself to try to change that.

9 Q Okay.

10 A You've got to keep in mind, too, now some  
11 other things are going on, too, and I don't know the  
12 sequence of the time frames of these things. But I'm  
13 getting a call from some Assistant United States  
14 Attorney in Alexandria, Virginia, wanting to be briefed  
15 because this is a situation that occurred under that  
16 jurisdiction. And I think, Glenn, you understand where  
17 I'm coming from on that, you know.

18 Q I do, but I need you to explain it on the  
19 record.

20 A Okay. In D.C. when you work with the U.S.  
21 Attorney's Office, normally you get to U.S. first. A  
22 lot of times in Maryland, Virginia, they get to you

1 first, because they're used to calling agents, their  
2 agents.

3 We are all cops in D.C., and we're not used  
4 to quite -- quite used to being treated as the U.S.  
5 Attorney's agents.

6 Q Okay. So you had to deal with the U.S.  
7 Attorney's office?

8 A Yes. He was calling me, wanting to be  
9 briefed, and, you know, I explained it a little bit, I  
10 think, well, it occurred in that jurisdiction. And  
11 they kept pressing, and they just wanted to know what  
12 was going on. I think everybody wanted to jump on this  
13 thing, you know.

14 Q What other things did you have going on that  
15 morning other than the Foster investigation?

16 A I deal with personnel problems and other  
17 situations on other cases and things like that.

18 Q Sort of the standard things that would come  
19 up in a day?

20 A Typical problems that arise that needed --  
21 brought to the captain or the captain notices and  
22 decides he needs to do something to correct the



1 problem. Nothing -- like I said, nothing that had to  
2 do with Foster, just other personnel/employee-type  
3 concerns and situations.

4 Q Okay. So did there come a time that morning  
5 when you and Markland went to the White House?

6 A Right, right.

7 Q Okay. And at the beginning of the  
8 deposition, I talked about the scope of the  
9 deposition. There's been a determination made by the  
10 senators, I guess, is my understanding, that we're not  
11 going too much into the actual search of the office of  
12 Vince Foster at this point.

13 At the same time, though, I recognize it's an  
14 integral part of what you were doing. So that having  
15 been said, I don't know that we can really avoid  
16 dealing with it at this point.

17 MR. GOLDENBERG: Okay.

18 MR. IVEY: Sorry?

19 MR. GOLDENBERG: I said okay, we can.

20 BY MR. IVEY:

21 Q So I'm going to ask you about it anyway. I  
22 would ask you not get into too much detail about it.

1 A It's all details, Glenn. I mean it's --

2 Q I understand. But I'm asking you to select  
3 the details at this point, the details about what  
4 papers were looked at or something like that, I guess  
5 we need to put off to another day.

6 At this point I'm trying to get you focused  
7 on --

8 A I couldn't answer that, because I don't  
9 know. I didn't see any of them, so that's easy.

10 Q At this point I'm getting you to focus on the  
11 death investigation part. So you go to the White  
12 House, and what did you do when you got there? What  
13 happened when you got there?

14 A Well, we were -- let me explain. When I said  
15 I didn't see those papers, I just want to make sure I'm  
16 clear on the record on that, I'm looking at the book in  
17 front of you --

18 Q Yes, sir.

19 A -- I have one of those, I think, and I think  
20 that's the special counsel's investigation on the  
21 Foster case.

22 Q Yes, sir.

1       A   That's what I mean by it, but I didn't pick  
2 it up and look at it any closer, and some things I  
3 didn't even see it that clear. So I want to make sure  
4 that's clear. When I say I didn't see it, I didn't get  
5 to touch them or read them, but I saw them at a  
6 distance; okay?

7       Q   Okay. So when you get to the White House,  
8 what happens?

9       A   We met -- we gain entry through the gate and  
10 we're met by an inspector, and I don't right offhand  
11 -- I don't recall his name. He's in uniform, the best  
12 I recall.

13      Q   Was he Secret Service or Capitol?

14      A   Uniform division, Secret Service uniformed  
15 division.

16      Q   Okay.

17      A   And we -- it seemed like to me, you know, I  
18 guess we had a short identification, get through that  
19 kind of a little place there as you get into the street  
20 and the parking area of that particular section of the  
21 White House.

22      Q   Is it the back of the White House?

1       A   Yes. It's the north -- no, I think it's  
2 called the southwest, southwest gate I believe.

3       Q   So this is between the White House and the  
4 Washington Monument grounds?

5       A   Right, right, on the -- towards the  
6 17th Street side.

7       Q   Okay. So then you go in?

8       A   And it seemed like to me -- and I don't know  
9 where they came from, I don't know if they came in  
10 behind us or if they were already standing there, I  
11 noticed my chief and the major's there, Major Hines who  
12 works in the chief's office. And I was not aware that  
13 they were going to be there.

14      Q   And the major -- the chief's name is who?

15      A   Chief Robin Langston, L-a-n-g-s-t-o-n.

16      Q   Okay. So you hadn't contacted them yet?

17      A   I don't remember up to this point having any  
18 conversations with them about this case. I know there  
19 came a point in time where I had a lot of conversations  
20 with both of them, especially with the chief. But with  
21 Major Hines, I know he called me at one point, but this  
22 could have been later, it could have been another day

1 even, about trying to get the medical examiner to speed  
2 up the autopsy on Mr. Foster, you know, to do it as  
3 quick as possible. And if I remember, this request had  
4 come from the White House.

5 Q Okay. We'll come back to that one.

6 A Okay. But there was a lot of other things  
7 going on, and that's why I brought these things in.  
8 That's why -- I don't know if I can keep it all sorted  
9 out straight in a nice logical time sequence that  
10 you're looking for here, so I want you to be aware of  
11 that.

12 Q Okay.

13 A Remember we still got this Assistant U.S.  
14 Attorney that's being a real pest from Virginia and  
15 calling me and paging me, whatnot, okay. And we got,  
16 you know, all of these other things going on.

17 Q Okay. When you first see Langston and  
18 Major Hines, do you say what are you doing here?

19 A It's not my place to question them. No, I  
20 don't believe I did that.

21 Q Was there any conversation between you?

22 A There was some, you know, hi, how are you.

---

1 handshaking, you know, general small talk that had  
2 nothing to do with Mr. Foster. It does seem like  
3 Major Hines may have mentioned that they were going to  
4 do some briefing of some people, but it had nothing to  
5 do with what we were there for.

6 But now whether I got this later or whether I  
7 learned all of that on the scene at that particular  
8 point or when they came back down, what I learned was  
9 like up on the second floor or something. I did see  
10 them again that day, that morning or early afternoon,  
11 I'm not sure of all the time sequences of that.

12 I am sure of one particular time because I  
13 asked Pete Markland to write it down in his notebook.  
14 We had to explain to the Secret Service official that  
15 we wanted the office sealed off until we had a chance  
16 to examine the office, and I told Pete Markland to  
17 write that request in his notebook at the time that we  
18 made it, and I want to think that's around 11:00,  
19 11:15. I'm not sure.

20 I think Pete made -- may have that in his  
21 notes, but I'm not absolutely positive. But I tend to  
22 think I either looked at my watch or a clock. And I

1 thought it would be appropriate to note that down when  
2 we made that request.

3 Q Okay. So after you meet with Hines and  
4 Langston, did you go into the White House?

5 A Right. I don't know if we all went in  
6 together or not. My recollection is we didn't, but we  
7 could have. But my recollection is, I was -- I was  
8 there to, in some ways, be an equal with Pete Markland,  
9 to assist him on the investigation. But also I knew I  
10 had other responsibilities as, you know, an official  
11 and a manager, too, you know.

12 Q Okay. So what happens after you go in?

13 A We go into what I believe is called  
14 -- referred to as the west-wing. We're on the first  
15 floor. We go in, we pass the first security check  
16 point where the first White House police officer sits  
17 at in a room or -- you know, there's some chairs and  
18 sofas and things like that in there.

19 And we just kind of hung out there for a  
20 little while, because no one seemed to really have the  
21 answers that we needed, and that's -- you know, we  
22 needed to go up to the office to go through that.

1 At some point Major Hines and Chief Langston  
2 joined us in that room, okay. I would assume that's  
3 after they completed their briefing.

4 Q Did you ever find out who they briefed?

5 A At some point; I'm not sure if it's at that  
6 point. But I understand -- because I remember  
7 Major Hines making reference to the people,  
8 Stepanopoulos I think was there, the best I recall. I  
9 can remember him mentioning him, and I couldn't tell  
10 you who else it was.

11 Apparently, it was the president's advisers  
12 and officials. I mean, you know, I don't -- that's the  
13 inference, I guess, that I got.

14 Q Okay. And then after the major and the chief  
15 came in, what had happened then?

16 A Well, I can remember having a small, what I  
17 call a little side conversation with Major Hines,  
18 because I think the chief maybe and the Secret Service  
19 official may have been talking, I'm not sure. I don't  
20 remember any direct -- and it could have happened, but  
21 I don't remember any direct communication with the  
22 chief at that point.

1 I do remember a little off to the side  
2 talking to Major Hines like, you know, in a  
3 conversation, basically, you all will have access to  
4 the room and he, as I recall, said when the FBI gets  
5 here, okay?

6 Q Okay.

7 A Now, I will say at that point that the FBI  
8 never got there till I called them, and that would be  
9 significant. And the reason I say "significant" is  
10 while we're there, Bernard Nussbaum comes down but the  
11 chief and the major are gone.

12 Bernard Nussbaum comes down, and there's a  
13 lady there; introductions were made. I don't think  
14 they were too formal, but I think the names were given,  
15 I sensed that it was Maggie Williams, but I don't know,  
16 okay.

17 Q When you say you sense it was Maggie  
18 Williams, what --

19 A I guess I've seen her picture in the paper or  
20 something or I've seen it somewhere, I think that was  
21 her maybe, but I can't be sure of that. And I can't be  
22 sure of that, because, you know, I couldn't say 100

1 percent sure, but there was Bernard Nussbaum, and there  
2 was a lady with him, okay?

3 Q Okay. Let me see if I can help guide you  
4 here. Did you ever get into the room that day?

5 A No, did not.

6 Q Okay. Did you ever interview any of the  
7 -- and by "interview," I mean ask people questions  
8 about Vincent Foster's death on that day in the White  
9 House?

10 A No, I didn't, I didn't.

11 Q Do you know if Pete Markland or Chief Hines  
12 -- I mean Chief Langston or Major Hines did?

13 A No, I don't know. I can tell you what I  
14 think. I think Pete Markland -- well, I mean you want  
15 me to stay in sequence, I will get to that, but I can  
16 jump ahead on that.

17 Q Yes, jump ahead.

18 A Eventually after I called the FBI, the FBI,  
19 myself, Pete Markland, we were escorted at all times by  
20 some Secret Service officials and we ended up in an  
21 office over in the EOB building. At that point later  
22 on in the day we go back, two FBI agents, myself and

1 Pete Markland, and I think Margolis and Rogers have  
2 gotten there from the Justice Department; this is later  
3 on, maybe 5:00 p.m.

4 See, we've jumped ahead a long ways here. So  
5 we go up to the second floor, and we start going into  
6 the -- the way the office is set up, there's an office  
7 like this, and then off of, this office would be Vince  
8 Foster's office and Nussbaum's office. In other words,  
9 you come in the door --

10 Q Let me ask you this, are you talking about  
11 searches in the office?

12 A No, I'm trying to answer your question where  
13 you asked me if any -- if I had any information of Pete  
14 Markland, Major Hines or Chief Langston questioning or  
15 interviewing anyone that day about Foster. I'm trying  
16 to get to that point to answer that question, because I  
17 can't give you a direct answer.

18 Q Okay.

19 A They went in, and I was with an agent  
20 bringing up the rear of this group, and they went into  
21 Nussbaum's office. When I saw that many people going  
22 in --

1 Q "They" who?

2 A Well, Nussbaum -- I don't know, a couple, one  
3 or two or more of his associates, I guess, Pete  
4 Markland and Special Agent by the name of Salter.

5 Q With the FBI?

6 A Right. His partner, Condon, and I kind of  
7 brought up the rear. And like I said, I kind have had  
8 a dual role, I was out to assist people not only with  
9 the investigator's duties and responsibilities, but  
10 also if I needed to call the chief or if there were  
11 problems and so forth and so on.

12 And I kind of looked at Condon and he looked  
13 at me, and we don't need to all go into that room, this  
14 is ridiculous. I got my detectives going in, he's got  
15 his partner going in. And we stayed out in the hall  
16 and lounged in the office a little bit and walked out  
17 in the hall. So there was some conversations that went  
18 on in there.

19 Q But you don't know what was said?

20 A I don't know what was said in there, I just  
21 -- you know.

22 Q Okay. Did there come a time when you did

1 interview people at the White House?

2 A Right, that's correct.

3 Q When was that?

4 A That would be the third day after his death,  
5 that would probably have been on the 22nd, I think,  
6 yes.

7 Q All right. Who did you interview?

8 A I personally interviewed one of the ladies  
9 that worked in the office. She was the -- I think it  
10 was Mrs. -- this is terrible, it's in the reports. I  
11 think I interviewed Mrs. Gorham.

12 Do you have copies of our reports? If you  
13 have a copy, I can refer to those reports, and I can  
14 tell you, I want to say Debra Gorham.

15 Q I think what I have are the things that you  
16 signed. So I don't have --

17 A Things that I signed?

18 Q Yes.

19 A Well, I would have signed that report because  
20 I typed it.

21 Q I don't have that.

22 A I did an interview, then I typed a report

1 from my notes. And if you have what I signed, then you  
2 should have that.

3 Q I don't have that. Do you remember what you  
4 talked about with her?

5 A I talked about the last contact that she had  
6 with Vince Foster; what we're trying to accomplish here  
7 is to find out his last movements before his death,  
8 which is one of those things that I may have or should  
9 have mentioned earlier about the things that you try to  
10 go back and do in all death investigations, you know,  
11 find out who last saw him, what was going on, what was  
12 there, who they had contact with, what they did, who  
13 they did it with, and those sorts of things, you know.

14 Q Do you know -- do you remember the substance  
15 of what she said?

16 A Some of it. And do you want me to explain  
17 how the interview was structured at this point, who was  
18 in the room and what was going on and how that took  
19 place, because that's going to get right into the stuff  
20 that --

21 Q What stuff, the stuff that --

22 A The stuff you just told me a while ago from

1 the scope. You asked me to answer -- what was the  
2 question you used?

3 Q The stuff that's related to the death  
4 investigation.

5 A Okay.

6 Q But to the extent that you can avoid it,  
7 things that would be related to searching the office  
8 and I guess possible obstruction of your investigation  
9 in the office, that's for a later day.

10 So to the extent that something happened  
11 that's relevant to information that you used in the  
12 death investigation, I'd like to hear that. If it's  
13 stuff like there were people in the room who had, you  
14 know, wouldn't let us go into room X or wouldn't let  
15 us, you know, go into room Y or look at documents,  
16 that's a separate issue.

17 A Okay. I think I follow you on that.

18 MR. DARMER: Can we go off the record for a  
19 minute?

20 MR. IVEY: Sure. If you want to talk about  
21 the scope, we should leave it on.

22 MR. DARMER: We can leave it on.

1 It's my understanding as long as the witness  
2 is not asked questions about the disposition of  
3 documents or the handling of documents in the office of  
4 Foster by White House personnel that he's free to  
5 answer questions about Park Police activities in or  
6 involving the White House or Foster's office. I don't  
7 think that's beyond the scope of --

8 MR. IVEY: I'm trying to get to what the Park  
9 Police activities are; what I don't want to get into  
10 are so much of what the White House personnel  
11 activities were with respect to the documents and  
12 searching offices in the White House. I really do  
13 think that's a separate issue.

14 MR. DARMER: Well, I think he's -- I think  
15 the witness is free to say what he saw, what he  
16 observed. I mean he's already stated he was not inside  
17 Foster's office at the time that the search was made,  
18 which seems to me frankly the problem of scope with  
19 this witness.

20 MR. IVEY: Actually, I thought he was in the  
21 office at the time the search was made. I think what  
22 he said was he didn't go into the office at the time



1 that he had this conversation with Nussbaum and a group  
2 of White House personnel.

3 THE WITNESS: That was the first --

4 MR. IVEY: That's what we were first talking  
5 about?

6 THE WITNESS: That is the first time.

7 MR. IVEY: And there was no search done on  
8 that date?

9 THE WITNESS: And as far as I know, it wasn't  
10 Nussbaum's office, it wasn't Nussbaum's office.

11 MR. IVEY: He hasn't said that.

12 MR. DARMER: I thought when he was talking  
13 about the search in the afternoon, later in the  
14 afternoon that was the search of the office when you  
15 went back in the afternoon.

16 THE WITNESS: I haven't really gotten there.  
17 I don't think I've mentioned that, have I?

18 MR. DARMER: Then I misunderstood.

19 THE WITNESS: This is the third morning,  
20 we're conducting interviews that morning. We had gone  
21 back to the White House. See, I really jumped ahead  
22 here a little bit.

1 MR. IVEY: Well, let me make sure that we've  
2 resolved this first, though. I don't mean to cut you  
3 off, but I want to make sure that, you know, there's  
4 some sort of understanding here.

5 MR. DARMER: Well, I would just say with  
6 respect to any of his conversations with any White  
7 House personnel concerning the death investigation,  
8 unless he's about to testify about what they might have  
9 done with respect to Foster's office, then we're not  
10 even broaching the scope issue. He can tell us what  
11 Gorham said about Foster or state of mind.

12 MR. IVEY: I'm not asking that, because I  
13 agree I think that does go to it. But to the extent  
14 we're moving away from people who were interviewed and  
15 getting information about the death and getting to well  
16 this person wouldn't let me do -- you know, wouldn't  
17 let me go into the room or whatever, I think that's a  
18 separate issue.

19 I do want to try and bring out the details  
20 about that, and I just asked him actually what the  
21 substance of the conversation was with Debra Gorham.  
22 And I'm going to ask him if he interviewed other

1 people, the same question.

2 MR. DARMER: I think it seems to me if at any  
3 time he has to answer a question and say I couldn't do  
4 something or someone didn't let me do something, that's  
5 the time then to decide whether we can go further on  
6 that line of questioning.

7 MR. IVEY: Okay.

8 MR. DARMER: How about that?

9 MR. IVEY: Okay.

10 MR. DARMER: Okay.

11 THE WITNESS: Well, I mean, you know,  
12 normally we conduct an interview of someone, you know,  
13 you want that person comfortable. You want that person  
14 -- from a police point of view, we like them actually  
15 in our office -- you know, we don't even like to  
16 interview people -- like sometimes that's not possible,  
17 but, you know -- in the room with us.

18 The Secret Service official was still there,  
19 and one of the people that worked for Mr. Nussbaum was  
20 in on that interview, I think it was Steve Neuwirth. I  
21 know there was two that was substantially there; it was  
22 Clifford Sloan and Steve Neuwirth both sat in on the

---

1 interview.

2 BY MR. IVEY:

3 Q Okay. And in your view, did this make her  
4 uncomfortable?

5 A I would just prefer the FBI agent and I in  
6 there to interview her.

7 Q Did you think it made her uncomfortable  
8 other, you know, give --

9 A For example, when we're talking to her,  
10 Nussbaum burst into the door, burst in through the door  
11 which was disruptive to the interview. It would just  
12 be like right now if someone opened this door and came  
13 right in here, it would be disruptive.

14 Q I follow you there.

15 A So it wasn't under ideal --

16 Q What I'm trying to ask, though, do you think  
17 that this activity, these people being present, in your  
18 view, you've interviewed a lot of people, I'm sure,  
19 caused her to change her answers or anything or may be  
20 impact -- what would be your assessment of that?

21 A This is strictly opinion; okay?

22 Q Okay.

1       A    I'm not sure -- I can't sit here and tell you  
2   that it may or may not have changed her answers, but it  
3   certainly gave me an appearance that what I believe if  
4   it was me being interviewed a sense that just from what  
5   he said, like Nussbaum when he came through the doors,  
6   is everything okay in here. What wasn't going okay?  
7   There's an FBI agent, there's a U.S. Park Police,  
8   there's one of his subordinate counsels or attorneys or  
9   whatever in there, and there's a huge big Secret  
10  Service agent. What wouldn't be all right in there?

11         Yes, in my opinion, I think that was or could  
12  be viewed as some form of -- well, it's disruptive. I  
13  will just leave it at that, it was disruptive.

14       Q    What did Ms. Gorham say?

15       A    Well, I'm going -- I can recall some of the  
16  stuff. I wrote a very detailed report as I remember,  
17  because I took some notes and wrote a report on this, I  
18  can remember that, you know, he had his lunch in his  
19  office.

20         And I think he had the -- it might have been  
21  a hamburger and french fries or something like that,  
22  the best I remember, or there was some M&Ms on his

1   tray. This was around -- it was obviously before 1:00  
2   or around 1:00, because I think he left around 1:00 or  
3   1:15.

4         We learned there appeared to be nothing  
5   unusual. We learned that he had gone down to -- I  
6   think the FBI new director was having some kind of a  
7   ceremony in the Rose Garden, maybe he was -- I think  
8   maybe it was the announcement that day or something. I  
9   don't know.

10         But there was some kind of activity I believe  
11  in the Rose Garden, and Mr. Foster had apparently  
12  attended that. And there was nothing unusual as I  
13  recall or significant.

14       Q    Do you -- I'm sorry.

15       A    They told us about his behavior that day.

16       Q    Okay. Do you recall asking her if he seemed  
17  depressed or anything?

18       A    Oh, I'm sure we did. I can recall one  
19  question, I said would you be surprised to learn that  
20  he was seeing a psychiatrist, and she said she would be  
21  as I recall.

22       Q    Was it your understanding he was seeing a

1 psychiatrist at that time?

2 A It was a possibility, but I hadn't  
3 substantiated that, no. All I knew at that point, if I  
4 remember correctly, that we had found the name of the  
5 three psychiatrists in his wallet or on his person. I  
6 don't know if -- I can't remember if the investigators  
7 got it out of his wallet or his coat pocket or  
8 whatever. But from his personal effects, there had  
9 been a piece of paper --

10 Q Okay.

11 A -- that was in it in his property that listed  
12 names who we learned to be three psychiatrists.

13 Q Okay.

14 A No, I had not substantiated it. I don't know  
15 that -- I can't recall if I ruled it out at that point  
16 either that he wasn't seeing one.

17 Q Was there any other parts of the conversation  
18 you recall?

19 A I could have asked her if she knew if he  
20 owned a gun, but I'm not sure, you know, I'm not real  
21 sure on that.

22 Q Do you remember anything that she said from

---

1 the conversation that kind of sticks with you or that  
2 you've thought was significant to your investigation?

3 A Well, you know, the fact he was at work, the  
4 time factor. He had lunch, that he left the office. I  
5 don't know if I read this from one of the other  
6 interviews or if I got this from Ms. Gorham, there was  
7 something that he had made a statement that some M&Ms  
8 were left on the tray, on the plate to one of the  
9 ladies of the office in general. I'm not sure, I guess  
10 indicating someone wanting to go eat them, they could  
11 go eat them, you know.

12 Like I said, I can remember the menu. You  
13 know, I remember writing that down. I remember the  
14 thing about the M&Ms, you know. Yes, we learned stuff  
15 that was significant. I mean we learned that he was at  
16 work. He was functioning what appeared to be a normal  
17 day of functioning for him.

18 I didn't learn anything that he had come in  
19 and been crying or been depressed, symptoms such as  
20 crying or if he had been unable to perform his duty, I  
21 didn't learn that. For example, if he said, well, I  
22 have to leave and I have to go to the doctors, I mean

1 we didn't learn anything startling or unusual.

2 We learned that it was just like any of us  
3 would come in, we go to work, we do our job, and some  
4 point in time we leave for personal reasons or business  
5 reasons or whatever, and he may have even told her, I'm  
6 not sure of that, that he would be back; but I'm not  
7 positive. I'm not positive about that.

8 Q Do you recall interviewing anyone else?

9 A No, I didn't interview. The best I recall I  
10 didn't interview anyone else that day.

11 Detective Markland interviewed some other people.

12 Q Do you remember who he interviewed?

13 A Not the names, but I think he interviewed  
14 actually the -- I don't know, Mr. Foster's  
15 administrative assistant perhaps or executive  
16 secretary. I'm not sure of the names and titles.

17 But I think that's -- if I remember, if  
18 Mrs. Gorham was, in fact, the one that I interviewed, I  
19 believe she may have been more connected to  
20 Mr. Nussbaum than Mr. Foster, you know. But all of  
21 those people set out in a room like this, and the other  
22 two offices would be off -- there's one door that led

1 into that suite, I guess. And these ladies probably  
2 took messages and did work for all of them I would  
3 imagine.

4 Q Okay. Do you remember if Markland came  
5 across any information?

6 A I do remember that after the interview and  
7 maybe even after we had gone into the so-called search  
8 of the office that at some point in time one of the  
9 assistants to Mrs. Nussbaum, one of those attorneys  
10 called Detective Markland's -- the lady, and it was the  
11 lady that Detective Markland had interviewed, had  
12 something that may be significant. I'm not sure that  
13 these are the exact words, but, you know, she would  
14 like to tell you.

15 So Pete speaks with her again and learns that  
16 -- and the best I recall that she did say in the last  
17 few days that one of Mr. Foster's children and  
18 Mrs. Foster would call the office and make inquiries  
19 such as how is he today, okay, which would indicate to  
20 us that they were concerned about Mr. Foster's welfare,  
21 which to us would be, of course, significant.

22 Q Yes, sir.

1 A Which if we -- especially if the evidence is  
2 starting to lead to suicide, I mean those things would  
3 be important.

4 Q Okay. Any other, you know, major factors  
5 like that or things that you learned?

6 A The best I recall, that was the most evidence  
7 that would tend to lead us towards the suicide that  
8 could be significant or was significant.

9 Q How many of these interviews, you know,  
10 roughly, do you think you did of his coworkers?

11 A You know, we did the two with those two  
12 ladies, because they were going on at the same time  
13 that morning. And then I know there was a young  
14 -- perhaps a college intern or something working in  
15 the office, and there was another lady called, and her  
16 name -- I remember Linda Tripp, because she like didn't  
17 show up when we thought she was going to be there or  
18 something.

19 And I think she was the one that may have --  
20 she may have gone down with the young intern to bring  
21 the tray up. And she may have been the one to put the  
22 M&Ms on the tray. And I do remember that name. And I

1 remember she was a tall lady, but I didn't talk to  
2 her. I think Pete talked to her.

3 Q Okay.

4 A I don't know if it was one of these formal  
5 type things or they just discussed it in the office. I  
6 don't know if they took her in like what we did with  
7 the first two ladies and, you know, how formal that  
8 interview was.

9 Q Did you talk with Markland about how the  
10 other interviews went?

11 A Of course at some point in time, you know, as  
12 we -- as the things were going on, I don't recall  
13 either of those two evenings that Pete and I were at  
14 the White House together going back to the office,  
15 sitting down, loosing our tie, taking our jackets off,  
16 getting a cup of coffee, sitting down and going over  
17 this thing, for some obvious reasons, we were tired.

18 And there's still a lot of things going on  
19 here, you know, it took me a long time to get rid of  
20 this assistant calling me from Virginia, for example,  
21 okay. As a matter of fact, he and his partner or  
22 supervisor were going to come up to the White House.

1 and that's when I said, well, you know, Phil Heymann is  
2 sending over Roger Margolis, maybe you want to get with  
3 Phil Heymann, and that ended that. And he didn't  
4 bother me anymore after that, you know.

5 And -- so, no, I did not probably follow  
6 every little detail and get every little detail, you  
7 know. I consider Pete Markland an experienced  
8 investigator. And if there was something significant,  
9 I felt he would tell me just like Lieutenant Kass and  
10 Investigator Rolla when they went over to look at the  
11 diary, it was probably several days later before I read  
12 that report.

13 I figured based on those people, the  
14 experience as investigators and police officers, if  
15 there was something significant they -- I felt they  
16 would have told me.

17 Q Who else was working on this? You mentioned  
18 Markland, Kass, Rolla, did you have other people? Did  
19 the Park Police work on this?

20 A Right, because we had some other assignments  
21 and things that we had to do. Sergeant Rule  
22 participated in the early stages of it. We wanted to

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1 look for the person in the van that was supposed to  
2 have told the Park Service people about the death, you  
3 know, finding the body in the park.

4 Q Uh-huh.

5 A I wanted them to make sure they got a metal  
6 detector and go back up to the park and look for the  
7 bullet.

8 Q And, to your knowledge, was that done?

9 A Sergeant Rule gave those assignments out, we  
10 had to attend the autopsy, you know. I had confidence  
11 even though Sergeant Rule was a fairly new sergeant at  
12 the time that he was certainly competent, very  
13 competent to carry out these assignments.

14 So I didn't get directly involved. This  
15 White House thing took a lot of my attention and time,  
16 because, you know, there's a lot of phone calls to the  
17 chief's office, and then back and forth to the Justice  
18 Department and things like that, you know.

19 Q Would you say it was kind of an unusual  
20 investigation in that sense?

21 A Absolutely, very unusual. As a matter of  
22 fact, Pete and I kind of made a joke, here we stand

1 waiting to get permission to do our job; it became a  
2 joke between Pete and I, you know.

3 And I might point out, since you asked that  
4 question, that it became -- at a certain point in time,  
5 it became very clear that basically we were going to do  
6 what the Justice Department, Mr. Margolis and  
7 Mr. Rogers wanted us to do and almost to the point that  
8 they called the shots so to speak.

9 Q And that's unusual?

10 A It's unusual for me to talk to the number two  
11 person at the Justice Department, extremely unusual for  
12 him to tell me who he was; that told me something right  
13 there, he was an important man. That's right, very  
14 unusual.

15 Q And he contacted you directly, or how did  
16 that work?

17 A Okay. On that second day -- as you recall, I  
18 was in the west wing in the waiting area, I don't know  
19 what they call that room, and the Chief and Major Hines  
20 had left, Major Hines said, well, you can get in the  
21 room when the FBI gets here.

22 I learned later that his -- that was his

1 interpretation that the FBI probably wasn't mentioned,  
2 "probably" I say. I think they said Justice  
3 Department. We think of Justice Department from a law  
4 enforcement perspective as FBI, okay? That's a normal  
5 -- I think that's normal to do that.

6 So that's when I called the FBI and talked --  
7 I guess I talked to a supervisor with the Washington  
8 field office, and that's when they sent the two agents  
9 up. But before the two agents got there, we're still  
10 in that room in the west wing.

11 When I said Mr. Nussbaum came down and he had  
12 the lady, I thought who might have been Maggie  
13 Williams, with him, I believe Pete had some quick  
14 conversation with him like, you know, we want to go up  
15 to the room or we want to get into the room or can we  
16 go up now.

17 I don't know the exact words of that  
18 conversation. But I do remember Mr. Nussbaum said when  
19 the Justice Department gets here, and Pete says -- he  
20 may have said something like, did you call them or  
21 who's calling them, and Nussbaum says, no, did you call  
22 them? Well, we didn't call them. Remember I haven't



1 gotten any clear instructions on that.

2 I think I was supposed to call the FBI.

3 Well, I wasn't sure I had to call the FBI, but if they  
4 were going to get there, somebody had to do something  
5 at that point, you know.

6 So that's one thing that is what the hell is  
7 going on. We said let's go get lunch, you know, hell.  
8 We left. We're brown baggers, went back to the office  
9 and got lunch, because no one could give us the time or  
10 anything.

11 I mean it seemed like it was confusing --  
12 there was some confusion at that point, and we felt a  
13 little frustrated I think at that point.

14 And so we went back, you know, around  
15 lunchtime and then came back up to the White House. I  
16 think we probably arranged that with Secret Service  
17 that we would be back, say, around 1:00. And at that  
18 point around 1:00, sometime around that, we get back up  
19 to the White House and we go over to the Secret Service  
20 office.

21 And the FBI agents eventually get there. I  
22 don't know if they came early or not. But anyway I

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1 know we're going to have the FBI agents there, myself  
2 and Markland and Secret Service, and we're up in EOB,  
3 okay, and still no one is really clear on what the hell  
4 the marching orders are.

5 So I finally called the chief of police,  
6 maybe I called Major Hines first. Well, I knew I ended  
7 up talking to the chief of police. I said, chief, here  
8 we are at this point, no interviews have been  
9 conducted; we haven't gotten into the office, none of  
10 that's been done.

11 At some point in the conversation, either  
12 this particular phone call or another phone call, he  
13 says I was at some type of conference or seminar or  
14 something, my chief is telling me, Chief Langston, and  
15 Janet Reno had made the statement that if any police  
16 chief ever calls me, I will return the phone call,  
17 okay?

18 He says I'll call her. So I believe  
19 Chief Langston did that. I don't know if he got  
20 through the first time, I sensed that he didn't. But  
21 at some point, either through Major Hines or  
22 Chief Langston, I'm told that -- I'm either given a

1 number to call or I'm told to call Phil Heymann or Phil  
2 Heymann calls me.

3 But there is a conversation -- as a matter of  
4 fact, there's two conversations with Phil Heymann, the  
5 first conversation and the second conversation, I  
6 remember bits and parts of both of them. I'm not sure  
7 I will keep both conversations separate, but I will  
8 try.

9 The first conversation I think went something  
10 like this. He told me who he was, I remember, I'm the  
11 number two man at the Justice Department, okay, and  
12 we're going to send over a couple Justice Department  
13 people career -- I think he used the term "career  
14 employees." Someone used that, I don't know if the  
15 chief or someone.

16 But someone had told me these two people will  
17 be career employees. I can remember asking who they  
18 were, and I think I may have asked Mr. Heymann who they  
19 were, who was coming, officer. I'm not sure he knew at  
20 that point, that's my best recollection. He didn't  
21 know who was coming over during that first  
22 conversation.

1 Now, I can remember asking Pete to give me  
2 his police notebook, you know, all investigating  
3 detectives carry the police notebooks. I can remember  
4 writing around 5:00 in that phone book, and I remember  
5 writing Phil Heymann's name and phone number, and he  
6 made it very clear I can call him any time.

7 And he gave me a phone number, and it may  
8 have been like to a control center or something, but  
9 they said they could reach him. I don't know if that  
10 was the first or the second conversation.

11 But the first conversation is I know he made  
12 it clear who he was, and I believe at that point he  
13 made it clear that two career employees, and those  
14 couple of things stand out who he was and who he was  
15 sending over, that they were career employees.

16 And I took that to mean that the political  
17 party at that point wouldn't come out of the Justice  
18 Department. But, again, Phil Heymann works for  
19 someone, doesn't he, and she works for someone, doesn't  
20 she?

21 Q We all do. We all do.

22 A So anyway then I had the second

1 conversation. Like I said, I'm trying to keep these  
2 two conversations separated. The second conversation  
3 -- I do learn the names I believe at this point that  
4 Rogers and Margolis, the Rogers -- the name didn't mean  
5 anything to me. Margolis meant something to me for  
6 some reason, several reasons.

7 I think Margolis is probably well-known  
8 through the law enforcement community, and also I was  
9 in a conference in San Diego prior to Mr. Foster's  
10 death, and Margolis spoke on ethics.

11 And I can remember some of the comments that  
12 attorneys had made and some of us investigators kind of  
13 shook our heads, we were quite surprised. I don't  
14 think they knew we were in the room, but it was  
15 interesting. But that's how I remember, you know,  
16 Mr. Margolis, because he did talk about ethics at this  
17 conference.

18 So anyway I do recall getting the name of  
19 these gentlemen, and I remember Mr. Heymann telling me  
20 how this thing would go down when we went into the  
21 office. I thought I understood it, and I started  
22 giving it back to him -- and let me tell you first how

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1 I understood what was going to happen; it didn't  
2 happen.

3 I understood that these two Justice  
4 Department people would take the document -- may I --

5 Q Sure.

6 A -- would take the document like this, they  
7 would look at it and see that there was no national  
8 security or no, you know -- I guess at that point I  
9 wasn't even thinking about protected documents or  
10 privilege documents that only the president and his men  
11 could see.

12 I didn't even know that that had gone through  
13 my mind at that point. But I do remember -- but maybe  
14 I thought national security was what he was talking  
15 about, and perhaps maybe I was a little taken aback,  
16 because I had been a policeman for a long time, and I  
17 had a White House pass actually at one time. So I'm  
18 sure I had a top secret clearance I guess, otherwise, I  
19 wouldn't have had the White House pass.

20 But, you know, hey, that's okay. He told me  
21 who he was and how the show was going to go, you know.  
22 I'm a police captain, and normally you make captain by

1 following the rules and going along with the program,  
2 you know.

3 Q So you thought that the Justice Department  
4 lawyer would review the document?

5 A And then hand them to us.

6 Q And then give them to you?

7 A And then give them to us, and then we look at  
8 them from an investigatory point of interest, because  
9 only the people working the Foster case knew what was  
10 important and what is not.

11 I emphasized to my investigators over and  
12 over, you go look at the documents, you know, what's  
13 looked at, you can't ask the deceased relative and ask  
14 them what's important, you need to go look at those  
15 things, you know, and see what's important.

16 So I started going back over this scenario  
17 with Mr. Heymann to make sure I understood it. He  
18 said, no -- I don't know if he said no like that, but I  
19 mean the thing was, no, it wasn't it.

20 But I still felt they were going to get to  
21 look at it; we wouldn't. They would determine if it  
22 was significant, that's the best of my recollection,

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1 okay?

2 But I do know I thought I understood, but  
3 then when I discussed it further, that wasn't my  
4 understanding at all, okay?

5 Q Let me ask you this: Are there -- did you  
6 have other conversations with Heymann or -- I mean the  
7 original point I was asking you about was, you know,  
8 how this case was special and you mentioned the contact  
9 with Phil Heymann.

10 A Right.

11 Q So did you contact him -- was there other --  
12 did you talk to him again?

13 A We had the two conversations that day. And I  
14 do remember I met him in person when -- before they had  
15 the press release, the joint press release at the  
16 Justice Department, you know, with the FBI and chief of  
17 the Park Police, then some days later, I had copied or  
18 had it copied.

19 I mean I don't know if I physically did or  
20 had a subordinate do it, but the duplicate -- we  
21 duplicated the case files, and I had taken up a copy.

22 Q This is your case files?

1 A Right, U.S. Park Police case file --

2 Q Okay.

3 A -- to David Margolis. See it worked out, I  
4 became the liaison, and I think the chief may have even  
5 called me that, and it seemed like David Margolis  
6 became the liaison on the other side of the Justice.  
7 And it seemed like I became the one, you will be it, or  
8 it just worked out that way, you know, because there  
9 came a time when Margolis calls me at home and pages  
10 me, and he calls me when I'm in other meetings, you  
11 know, I mean.

12 So anyway when I took this case file up to  
13 David Margolis, he asked me, Charlie, can you wait. He  
14 says Phil Heymann would like to meet you -- wait a  
15 minute. I did have another conversation with Phil  
16 Heymann. I was in my office when I had it, now it's  
17 coming back to me, you'll see why in a second.

18 I did have another conversation. We're on  
19 the telephone, and he's starting to tick me off a  
20 little bit, he kept saying handle this as a normal  
21 case, handle this as a normal case. Well, finally, I  
22 said, it's not a normal case, you know, it's not a

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1 normal case, something to those -- something to that  
2 effect.

3 So when I took the file up to David Margolis,  
4 he said Charlie wait a few minutes. He says Phil  
5 Heymann -- I want to meet you or Phil Heymann wants to  
6 meet you, something like that. But I knew I was going  
7 to meet Phil Heymann at that point. He must have been  
8 tied up for a few minutes, because I waited and he  
9 comes in.

0 Q But he eventually got there?

1 A And I met him, and I remember as I shook  
2 hands, so this is the guy who says something is not a  
3 normal case or something, and I said, hell, am I in  
4 trouble or something like that, you know, just kind of  
5 joking.

6 So, yeah, I did get to meet him and, yes, in  
7 answer -- in response to your question, I did talk to  
8 him again other than those two telephone  
9 conversations. In fact, I know I talked to him two  
0 other times in person and on the phone back when I was  
1 in my office.

2 I don't know the time and date, but I suspect

1 I have a note and the time and date is on it, and I  
2 think I have him in quotes on that note.

3 Q Okay. Let's see. Other parts of the  
4 investigation, you also mentioned the autopsy. What  
5 role did you have with respect to the autopsy?

6 A Well, the best I recall, Major Hines had  
7 called me and said that -- I'm sure he said the White  
8 House, now he may have gotten to the point he said  
9 "they," but "they" would have been interpreted as the  
10 White House called and wants to know if there's any way  
11 possible we can get the autopsy.

12 I think the autopsy may have been scheduled  
13 for let's say the 22nd or, you know, if we can get it  
14 moved up earlier; he may have given me some of the  
15 reasons. I don't know that the White House had stated,  
16 I don't recall.

17 Q Okay.

18 A You know, I don't know if it had to do with  
19 the family or do to whatever. So I called Dr. Beyer  
20 over in Northern Virginia. He was the one that was  
21 going to do it. And I asked him and if he was  
22 responsive, he said, yes. And I think he said like, he

1 even gave me a time or something, so we had to get our  
2 people over there to get it done.

3 Q Okay. Now, would it have been typical for an  
4 officer on the scene at the time of the preliminary  
5 investigation to have gone to the autopsy?

6 A Ask me that again, let me listen to it  
7 closely.

8 Q Well, normally, would the -- an officer from  
9 the scene where the -- the death scene, I mean where  
10 the body was recovered, would it be normal for  
11 someone --

12 A Using the word "normal," I would say that's  
13 what we would prefer.

14 Q Preferable?

15 A The investigator that turns the body is the  
16 one I'd like in my personal opinion, and there's  
17 reasons why I would like the person to attend the  
18 autopsy. And there's several reasons he's there. He's  
19 seen all the evidence, and he can have one-on-one with  
20 the medical examiner to help the medical examiner to  
21 come to the conclusions -- his conclusion as to you,  
22 you know, his findings.

1 But you've got to keep in mind, I investigate  
2 and I have worked all evening and all night and, you  
3 know, some of them wanted --

4 Q That being Rolla?

5 A Right, and Cheryl Braun.

6 Q Therefore --

7 A Well, I'm still trying to digest your  
8 question to make sure I've answered, yes, to your  
9 question that it is normal by stating it, yes, that  
10 that would be my preference to have the person in what  
11 we call turn the body, that's the person that's there  
12 on the scene that gets the identification off of the  
13 body and does all the other preliminary things that  
14 goes on when a body is found.

15 Yes, yes, that's the answer to your question.

16 Q Because Rolla and had Braun had worked all  
17 night?

18 A Well, I didn't make the decision. I think  
19 the sergeant made the decisions who would go do the  
20 autopsy and whatnot.

21 Q Was that Rule?

22 A I would have to say that was Sergeant Rule

1 that day, yes, because I think he handled the metal  
2 detector. And I think he handled the autopsy  
3 assignments and probably looking for this guy in the  
4 van. I think he handled those assignments, to the best  
5 of my recollection.

6 We have another sergeant that works that may  
7 work also and he may have played some role too, but I  
8 don't know.

9 Q Okay. And do you know who -- do you recall  
10 who went to the autopsy, who was chosen to go?

11 A I believe Investigator Jim Morrisette, and I  
12 think ID Technician Wayne Johnson, Wayne and I think  
13 maybe Sergeant Rule went. But that would be -- I'm  
14 pretty sure that would be in a police report, because  
15 normally they'll do a report or at least a report of  
16 any evidence that they recover from the autopsy.

17 Q Do you recall reviewing the autopsy report?

18 A Yes, I do, yes.

19 Q What were your thoughts about it?

20 A My thoughts about it?

21 Q Yes, sir.

22 A I thought the doctor had come to the proper

1 conclusion based on the evidence that we had up to that  
2 point, and based on the things that he had found and,  
3 of course, by now I didn't review that report until  
4 several days later. As a matter of fact, I can  
5 remember dating -- if you can let me look in the book,  
6 I can tell you the date I saw it.

7 Q This book?

8 A Yes, because my initials and date is on it.

9 Q I guess we should mark it.

10 A The autopsy report is page 37?

11 MR. PAULL: It's in the appendix.

12 THE WITNESS: It's an appendix?

13 MR. PAULL: Yes.

14 THE WITNESS: Okay. It's an exhibit then,  
15 here it is. 8, okay.

16 (Witness reviews the document.)

17 THE WITNESS: My initials appear on this, and  
18 it's dated August the 4th, '93. So I would have to say  
19 that's the first time that I saw this. Yes, and I was  
20 correct, officer -- Investigator Morrisette was the --  
21 he's listed as the taker, James J. Morrisette, U.S.  
22 Park Police, present at the autopsy.

1 But also I believe that sergeant and also  
2 that the ID technician was there also, because he would  
3 do the photographing and take the evidence and so  
4 forth, the evidence technician. So it looks like  
5 August the 4th is when I first saw the autopsy.

6 MR. DARMER: Can we mark this?

7 MR. IVEY: Can you mark that Exhibit 1.

8 (Hume Deposition Exhibit Number 1 was marked  
9 for identification.)

10 BY MR. IVEY:

11 Q Let me ask you about the gun that was  
12 recovered from the scene.

13 Do you remember having any conversations with  
14 Simonello about the gun?

15 A I'm sure at some point in time we had  
16 conversations, and probably those conversations  
17 happened and they probably resurfaced when Mr. Fiske  
18 took over the investigation.

19 Q Do you recall who decided when the gun would  
20 be fingerprinted?

21 A I believe I did.

22 Q You did?



1 A Yes.

2 Q Okay. And that was -- let's see if I  
3 recall. He was on days off at the time the gun was  
4 fingerprinted; is that correct?

5 A He wasn't available, and he was either on  
6 leave or days off, that would be correct.

7 Q Who did you have fingerprint the gun?

8 A It was a technician that was on duty, a  
9 Eugene Smith.

10 Q Do you recall what method that he used to try  
11 and get prints from the gun?

12 A You know, he may have explained it to me, but  
13 I'm not real clear, you know. They have different  
14 methods of, you know, the Super-Glue, you know, you put  
15 a gun in a tank and/or you can dust it.

16 Now, I don't know if he used both methods or  
17 one method or -- you know, we'd have to look at the  
18 report that he did on it or you'd have to ask him.

19 Q Okay. But did he try and get prints from the  
20 gun?

21 A Right. My general feeling is that, you know,  
22 he's a senior technician and hopefully he followed the

1 proper procedures. I have no reason to doubt that he  
2 didn't.

3 Q You said that he was the senior technician?

4 A No, I said one -- I don't know that he's the  
5 senior, but he's certainly a senior technician. He's  
6 been in the unit for a period of time; he wasn't one of  
7 the new members, you know.

8 Q So you had confidence in his ability?

9 A Certainly.

10 Q Did Simonello talk to you about that after he  
11 got back from his leave?

12 A Well, I wanted an explanation why he would  
13 put evidence in lock and go off on a case that had  
14 become at that point significant. I was a little  
15 concerned about that, yes, as a supervisor/manager.

16 Q Okay.

17 A Yes, because, I don't -- you know, if I'm on  
18 a crime scene, I was a detective, I was a detective  
19 sergeant, and now I'm back in as a detective captain.  
20 And, you know, I don't look at my watch at  
21 3:00 if I'm following leads and on a significant case.  
22 I mean I just wouldn't do that, okay? That's

1 me, you know. I finish when the job is done or when I  
2 can put it to rest. For example, the second day we're  
3 at the White House, 3:00 we're supposed to get off.

4 We didn't quit at 3:00. We came back, and I  
5 remember we got Mr. Foster's personal things, ring,  
6 wallet and some things. We went back up, the president  
7 was escorted, his motorcade was set up. We were  
8 getting up as we understood it from Steve Neuwirth,  
9 they were going back to Ms. Foster's home.

10 They wanted to take the personal items and  
11 return it to them, the family. And I remember we had  
12 to go back, and we ran them back up there to assist  
13 them to do that. You know, we didn't have to do that,  
14 but we did because I felt, you know, that was the  
15 proper thing to do, and that's what we did. And I  
16 don't guess we got off that evening until 7:00 or even  
17 after, you know.

18 Q Let me just to follow up. Did you get any  
19 pressure to print the gun right away from any source?

20 A No, I don't think I did, none at all, no.

21 Q And to return these personal effects, was  
22 there any pressure to do that early?

1 A No, I don't think there was -- I wouldn't  
2 call it that. We would do that for any family member.  
3 I mean, you know, that's just -- I mean that's just,  
4 you know, stuff you do. It's the right thing to do,  
5 you know.

6 I mean, you know, Mr. Foster even though he  
7 was a victim, his family was the victim, too, you know,  
8 and we were very conscious and aware of victims.

9 Q Okay. So returning these personal effects,  
10 you don't feel may have compromised the investigation  
11 or undermined the investigation in any way?

12 A No, no, I don't feel that it did. That's my  
13 feelings, my personal opinion, and also professionally  
14 I don't see how it did.

15 Q And as far as printing the gun, did you feel  
16 there was any --

17 A I think I made that decision myself, you  
18 know, other than conversations with the chief and the  
19 chief never told me, you will do this or you will not  
20 do that. I mean, for example, Major Hines called me  
21 about the autopsy, that was a request. He didn't say,  
22 Charlie, you know, and -- you know, you're not going to

1 tell the medical examiner what to do anyway; you're  
2 only going to request.

3 And he asked me to do it, and I had no  
4 problem, I called and made the request. I didn't feel  
5 really any undue pressure or anything there, you know.

6 Q Okay. And when you talked to Dr. Beyer, did  
7 you tell him that the White House wanted the autopsy  
8 moved up or did you explain?

9 A I probably did, yes, because, you know,  
10 Dr. Beyer from some of the senior detectives in the  
11 office always kind of had the opinion he was kind of a  
12 rough and gruff fellow, you know. He ran his shop, you  
13 know. So I probably did tell him, yes --

14 Q Okay.

15 A -- because it didn't matter to me. I didn't  
16 have any personal stake when they did it. I've never  
17 given it a thought, to tell you the truth. I figured  
18 that was his shop, and he would call when, and when he  
19 could do it, he would do it and let us know.

20 Q Okay. What about the photographs of the  
21 death scene. Did you have a chance to view those at  
22 any point during the Park Police investigation?

1 A Oh, I'm sure I did, yes.

2 Q Was there -- did you ever go out to the scene  
3 at Fort Marcy Park?

4 A Not -- when you say -- yes, I eventually did,  
5 but not -- it was sometime after, I guess. Well, these  
6 two days of activities -- these two days of activity at  
7 the White House, most of that was focused on the White  
8 House, I was focused back on the office, you know, and  
9 I had to keep focused there; what they were doing;  
10 looking for the bullet; what they were doing at the  
11 autopsy.

12 I'm sure that I was getting bits and pieces  
13 of this, and I'm sure we were comparing notes and  
14 things like this. But -- and I respected those people,  
15 and I had confidence that they would -- if something  
16 came up all of a sudden, if they found two or three  
17 bullets in Mr. Foster, sure as heck they would have  
18 told me.

19 I had no reason to believe that I had to sit  
20 down and go over each and every detail with them, just  
21 about everybody that I talked to certainly would, even  
22 the rookies would have known, captain, we got a problem

1 here, you know, how do you fire four bullets into your  
2 head if you committed suicide, you know. I'm not  
3 saying it couldn't happen, but it would take some  
4 explaining, okay?

5 Q Right. But as far as you know, he didn't  
6 have that type of -- those types of things weren't  
7 popping up?

8 A No. I mean I was aware that they, in fact,  
9 carried out the -- I don't want to say my request  
10 necessarily, but, you know, we sat and kick these  
11 things around; this needs to be done; that needs to be  
12 done; that needs to be done and people are assigned to  
13 go and do those things, you know, looking for the  
14 witness.

15 I was assured that that was being taken care  
16 of, looking for the bullet on the scene was being taken  
17 care of, someone attending the autopsy. I was  
18 confident that those things were going to be taken care  
19 of.

20 Did that answer your question? I'm not sure  
21 even what the question was anymore.

22 Q We're answering them as we go I guess.

---

1 A Okay.

2 Q Let me ask you about the Vince Foster diary.

3 A Oh, the photographs is what you were asking  
4 me, that's right.

5 Q Was there a point that you realized that some  
6 of them didn't come out correctly?

7 A Right, right.

8 Q Okay. What was your understanding of what  
9 had happened to the photos that didn't come out?

10 A I don't know if I ever had a clear  
11 understanding, either -- you know, either the F stop  
12 wasn't right, the light meter in the camera wasn't  
13 right or the guy that took the pictures didn't have his  
14 best thinking hat on. Or, you know, hell, maybe at one  
15 point I thought he was in a hurry. I don't know. I  
16 can't really be clear.

17 All I was told, you know, I knew -- I knew  
18 that you can't go back and recreate it. So there's  
19 nothing -- you know, I can get upset, yell and scream,  
20 you know, try to buy five new cameras and send the guy  
21 for two months of the training, it doesn't go to change  
22 anything, you know.

1 Q The cameras that your technicians use, are  
2 they automatics?

3 A I have no idea. I'm going to tell you, I  
4 don't use the camera unless I have to; even when I go  
5 on vacation. I don't have anything to do with cameras,  
6 so I couldn't tell you. I have no idea what they use,  
7 none at all.

8 Q All right. But did you have a chance to look  
9 at the Polaroids that I guess Rolla and  
10 Sergeant Edwards took?

11 A Yes. And I'm not 100 percent clear on who  
12 took those anymore, but I did view those Polaroids,  
13 yes. I was led to believe that Sergeant Edwards did  
14 take them.

15 And I think John -- I think the way I  
16 understand it now that I've thought about it a minute  
17 that maybe Technician Simonello had one camera around  
18 his neck and maybe he handed the camera to John Rolla,  
19 the Polaroid, and John took the Polaroids. And he took  
20 the 35 millimeter. Yes, I think I did -- I believe I  
21 did understand it that way, right, and I did view  
22 those, yes.

1 Q Was Officer Simonello the one that went out  
2 with the metal detector to try and find the bullet?

3 A I don't think so. I think he's gone home  
4 now. See, remember he's been there all evening and all  
5 night, and I think -- as a matter of fact, I know when  
6 we came back to get that property to take back up to  
7 the White House that night we had to call John at home,  
8 because he had put it in one of the little lockers.

9 It's like -- I guess the best way to describe  
10 it, we haven't got gun lockers or -- it's like in a bus  
11 station, you put your money in and you take your key  
12 with you, and we had to find out where the gun was or  
13 where the duplicate key was or something, because I  
14 remember calling John.

15 No, see, I know John isn't there, he's gone  
16 home. That would have been normal to relieve him at  
17 that point, maybe if he only worked eight or 10 or 15  
18 hours or not worked all night, we might have kept him  
19 all along. The fact that he had been through two  
20 shifts and into a third shift, you know, and he had  
21 been up all night and they had, you know, a pretty  
22 rough time out there. I think that he had gotten up to

1 that point with this case.

2 Q So you get the key out of Rolla's desk and  
3 then what happens?

4 A Well, Pete handles some of that or made some  
5 of the phone calls. I can remember getting the phone  
6 call, and I think it was either Sloan or Neuwirth, one  
7 of them, and -- as to how -- I think it was like  
8 something to ask us how our attempt was going, trying  
9 to get these things together and getting back up there  
10 seeing if we're going to make it, you know, the time  
11 factor before the president left.

12 And I can remember taking that phone call. I  
13 don't remember the conversation, it was nothing, you  
14 know. I think it was just one of many kinds of  
15 conversations you get, you know, but it was nothing  
16 that stood out in my mind I guess, except just to see  
17 how the logistics were going, you know.

18 Q Would you have turned over the personal  
19 effects if you had still needed them for some reason  
20 for your investigation?

21 A Oh, I don't think so, no, it would have been  
22 considered evidence, no. I have a letter now from

1 another case that I've held for a long time because I  
2 consider it crucial to our investigation and a lot of  
3 people are trying to get it, and I'm still holding.

4 When I stand with my knees shaking before  
5 some federal judge and he orders me to give it over, I  
6 will give it over; but, otherwise, I'm going to keep  
7 it.

8 No, I can tell you if we needed that for  
9 evidence, we would have kept it. I have no doubt in my  
10 mind we would have.

11 Q Okay. What type of contact were you having  
12 with the chief at this point, it's about two days into  
13 the investigation or so?

14 A Well, you know, I'm keeping him briefed, you  
15 know, because I think because of the significance of  
16 this case. As you know, we have a chain of command in  
17 a police department, you know, it's paramilitary, and  
18 all of that.

19 But being, you know, captains and above,  
20 usually we train together and have command staff  
21 meetings together and things like that and, you know, I  
22 have no problem picking the phone up and calling the

1 chief. I figure I'm part of his staff, and I don't  
2 always play the chain of command stuff.

3 I mean, you know, I've got over 20 years,  
4 too, and that may be part of it, you know. But that's  
5 just a normal type thing, that's nothing unusual that I  
6 would talk to the chief about these things. But this  
7 was a high profile thing, you know.

8 And I did keep him briefed and, you know,  
9 obviously it was his phone call that kind of got things  
10 moving, and I said oh, my gosh, you know -- because,  
11 you know, at that point remember I'm back at the office  
12 thinking it might take a captain to get some things  
13 done. So here's a chief to get some things done, but I  
14 had to put that in the proper perspective I guess.

15 Q Okay. Did he ever convey to you that he was  
16 getting a lot of pressure from the White House or some  
17 part of the federal government to do the investigation  
18 in a certain way?

19 A You know, Glenn, I never sensed that. I do  
20 know something did come up later. The detective and I  
21 had gone back up to the White House and went over to  
22 the EOB building. I believe it was Cliff Sloan that we

1 met with to get those telephone messages.

2 And while we were there, I had gotten  
3 information -- I may have been paged that I was  
4 supposed to meet the assistant chief over at the  
5 Department of Interior at the secretary's office, the  
6 secretary or the interior's office to meet I believe  
7 his name is Tom Tollins, Tom Collier maybe, and I think  
8 it's that name, it had even been mentioned to me before  
9 by the chief.

10 Q What about Elliot?

11 A No, I don't know -- I've just heard Elliot in  
12 the last few weeks.

13 Q Okay.

14 A No, this was Tom Collier, because I remember  
15 reading something. You know that magazine that comes  
16 out in Sundays in the Washington Post, they had done a  
17 news article on the shakers and doers, the people that  
18 really get things -- who's really running these  
19 departments, and I think he was -- Tom Collier was the  
20 one at the Interior in the secretary's offices.

21 And so myself and this detective I had with  
22 me ended up in his office with the chief, assistant

1 chief, with Andre Jordan and -- because I asked the  
2 assistant chief, I said, you know, why do I need to go  
3 up there?

4 I felt -- this is one more thing I felt I  
5 didn't have to get involved with. At this point, I  
6 felt I got myself in enough at that point. I said -- I  
7 forget what term you used, maybe the senior-most person  
8 involved with the case or something, you know, I'm not  
9 sure, or at least the highest ranking person anyway at  
10 that point. And so we did go over there and, you know,  
11 I don't remember all of the substance of that  
12 conversation.

13 I guess maybe Tom Collier wanted the little  
14 briefing if we were getting cooperation, if things were  
15 going the way they should be or something to that  
16 effect, but now this is several days later, you know,  
17 when that information was given to us. The Washington  
18 Post had printed a big article about these logs not  
19 being turned over to us, because I remember coming in  
20 the next morning, there was a note.

21 We had a note board in the office, and there  
22 was a message board, rather, for me to call. I think

1 it was Sloan, and I assumed that was about picking up  
2 these documents, because when I get got a hold of him  
3 that morning, that's what he told me, I could come up  
4 and look at them. And I tend to think this was like on  
5 a Friday, but I think this was like a week later now,  
6 and it's in the report. And I remember we did a report  
7 on that or made reference to picking up these  
8 documents.

9 Q Well, I had originally asked you about  
10 pressure on the chief.

11 A Well, that's what I was explaining. I didn't  
12 see a sense in it. But, yet, I mean he's calling  
13 somebody at Interior; he's calling this guy Collier or  
14 somebody, I assume, but I don't know that. See, you'd  
15 have to ask the chief that, what the chief felt or  
16 didn't feel, I don't know, Glenn. But I didn't -- you  
17 know, I just never got the feeling that he was getting  
18 pressure to do it a certain way.

19 He certainly never said, Charlie, do this  
20 this way, don't do it that way. But at that point did  
21 anyone ever do that, no, the only thing that I got was  
22 Phil Heymann made it clear who he was, okay.



1           There was no doubt in my mind, there was no  
2 doubt in mind who was running the investigation. When  
3 I say "running" it, I'm talking about that White House  
4 part of it where these two guys from Justice came down  
5 there, because there was some meetings that I wasn't  
6 privileged to; I don't know if Markland was or not.

7           I mean that morning we were doing those  
8 interviews, I don't know where Adams and Margolis are,  
9 they may be in Nussbaum's office, I don't know. They  
10 still might be back at Justice Department, you know, I  
11 don't know. And I still don't know what negotiations  
12 were going on. I assumed they were in negotiations  
13 with the White House on how this procedure was going to  
14 take place. I'm not sure, you know, I don't know.

15       Q   Okay. So the chief never communicated to you  
16 that he was getting pressure?

17       A   Not that I recall.

18       Q   Okay.

19       A   You know, we had a lot of conversations now,  
20 Glenn, but I think I would have remembered that, but I  
21 just don't remember that, you know.

22       Q   Okay. And as far as you, the conversations

---

1   with Phil Heymann, do you remember any other types of,  
2 you know, pressure to have the investigation come out a  
3 certain way or, you know, to write the reports a  
4 certain way or anything like that?

5       A   No.

6       Q   No?

7       A   Never. I wrote my reports the way I wanted  
8 to write them. The only thing when Joe Megby did his  
9 report on the night he picked up the note what we had  
10 referred to as probably the suicide note or the closest  
11 thing we could get to a note that he was not a happy  
12 man was when Joe Megby submitted his report he had, you  
13 know, spelled some of the names wrong, some of the  
14 players and things like that, and I would have the  
15 secretary retype it.

16           But I had it returned to him for his  
17 signature; that's the only thing I know of that  
18 everyone was not free to write the reports as they saw  
19 fit.

20       Q   So spelling corrections would be the only  
21 change?

22       A   That's all it was, right. At that point I

1 was well aware it was a significant case and those  
2 reports were probably going to be seen by a lot of  
3 people. Even though I know looking back over them  
4 today, I still see some things that we probably could  
5 have spelled a little better. But we are police  
6 officers, right, we spell different.

7 Q We all misspell sometimes.

8 What about Markland or Major Hines, do you  
9 know if they ever got any type of pressure?

10 A Well, I think Pete felt the same pressure. I  
11 felt here we are waiting to get permission to do our  
12 job, we joked about it. As far as Hines, I couldn't  
13 tell you, I have no idea.

14 Q Who interviewed Lisa Foster?

15 A Pete Markland and I did.

16 Q Okay. When was that?

17 A That was a lot later than we liked for it to  
18 have been, but I don't remember the exact day or time.  
19 I mean Pete did a report on that.

20 Q A week after, two weeks after, something like  
21 that, had she already gone to Arkansas?

22 A I think so, yes, and come back. And you

1 know, that was all -- that was another -- that was all  
2 part of the continuing thing that Pete and I kind of  
3 joke about, permission to do our job, we had to clear  
4 that through James Hamilton.

5 Q The family attorney?

6 A Right, yes. And as a matter of fact, it was  
7 at his -- I don't know if it's his law firm, but the  
8 law firm that he works, that took place on his turf.

9 Q Uh-huh. Do you recall the substance of what  
10 you talked about with Lisa Foster?

11 A Some of it.

12 Q Okay. What types of things did she say?

13 A You know, we didn't have to question her a  
14 whole lot. It looked like one or two things; she was  
15 happy to get some things off of her chest, in other  
16 words, to tell the story, or she had gone over it with  
17 her lawyer so many times that she had it down pat. I  
18 don't know.

19 I think she may have just been relieved to  
20 talk, but I don't know, you know. Because I remember  
21 Pete and I making comments later that we probably would  
22 have gotten a statement whether we asked her any

1 chief, with Andre Jordan and -- because I asked the  
2 assistant chief, I said, you know, why do I need to go  
3 up there?

4 I felt -- this is one more thing I felt I  
5 didn't have to get involved with. At this point, I  
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18 Post had printed a big article about these logs not  
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22 was a message board, rather, for me to call. I think

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15 have to ask the chief that, what the chief felt or  
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 2 always play the chain of command stuff.  
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 4 too, and that may be part of it, you know. But that's  
 5 just a normal type thing, that's nothing unusual that I  
 6 would talk to the chief about these things. But this  
 7 was a high profile thing, you know.  
 8 And I did keep him briefed and, you know,  
 9 obviously it was his phone call that kind of got things  
 10 moving, and I said oh, my gosh, you know -- because,  
 11 you know, at that point remember I'm back at the office  
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 17 part of the federal government to do the investigation  
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 22 the EOB building. I believe it was Cliff Sloan that we

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 3 information -- I may have been paged that I was  
 4 supposed to meet the assistant chief over at the  
 5 Department of Interior at the secretary's office, the  
 6 secretary or the interior's office to meet I believe  
 7 his name is Tom Tollins, Tom Collier maybe, and I think  
 8 it's that name, it had even been mentioned to me before  
 9 by the chief.  
 10 Q What about Elliot?  
 11 A No, I don't know -- I've just heard Elliot in  
 12 the last few weeks.  
 13 Q Okay.  
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 15 reading something. You know that magazine that comes  
 16 out in Sundays in the Washington Post, they had done a  
 17 news article on the shakers and doers, the people that  
 18 really get things -- who's really running these  
 19 departments, and I think he was -- Tom Collier was the  
 20 one at the Interior in the secretary's offices.  
 21 And so myself and this detective I had with  
 22 me ended up in his office with the chief, assistant

1 questions or not, you know, or something to that  
2 effect, you know.

3 I can remember Pete having his notebook out  
4 and I think he started to question her, you know. We  
5 had a hard time to get started here because Hamilton  
6 wanted to lay out the ground rules, FOIA and lawyer  
7 stuff and some of the other stuff I'm not sure I knew  
8 it.

9 But I think Pete tried to impress me that he  
10 understood it all, maybe he did or didn't. But, you  
11 know, we're not waiving this or not waiving, I don't  
12 know what the hell he was talking about, Glenn, to be  
13 honest with you at that particular part, because he  
14 asked me about the FOIA and he asked me what the  
15 process of FOIA for the Park Police was.

16 And I had been to the Justice Department  
17 training, and I'll admit even some of that is kind of  
18 dry and kind of difficult to understand. But I knew  
19 there were certain exemptions and things like that, and  
20 he said what was your understanding, and I explained it  
21 to him. And so eventually the interview started, you  
22 know, there were, of course, other people there for

1 this interview also.

2 Q Who else was there?

3 A I remember there was another Sloan, but not  
4 the White House Sloan. I think this is the executive  
5 or --

6 Q The architect John Sloan?

7 A John, I believe it was John -- did you say  
8 John?

9 Q Yes.

10 A I think it was John Sloan.

11 Q Okay.

12 A He's the one that helped us facilitate the  
13 photograph, too, back to Arkansas of the gun to have  
14 the gun viewed, looked at by Foster's sister, I  
15 believe. The substance of the interview, you know,  
16 was --

17 Q I'm sorry. Was anybody else present other  
18 than Sloan, John Sloan?

19 A You know, I think Beryl Anthony was there  
20 also. And the reason I think I have some memory, I can  
21 remember offering -- because someone -- Mrs. Foster  
22 asked where is Fort Marcy, and there was some

1 conversation about she would like to go there, and I  
2 remember we offered to take her, that we would take her  
3 up there, because we knew the park.

4 I had been in the park before, and Hamilton  
5 said no, no, and I think Beryl Anthony may have then  
6 said he would do it, because I remember trying to get a  
7 hold of Beryl Anthony trying to find out if he, in  
8 fact, did do that, but I had a little trouble then.

9 I think he got a little bit leery of talking  
10 to us, because it looked like everything was in the  
11 press, if you remember. There was a lot of stuff in  
12 the press by that time, maybe this was later, I'm not  
13 sure. But, you know, John Rolla and I interviewed  
14 Mr. Anthony, and that was prior to interviewing  
15 Mrs. Foster I think.

16 Q Okay. So Beryl Anthony, maybe John Sloan?

17 A Sloan was definitely there. James Hamilton  
18 was there, Mrs. Foster, myself and Pete Markland; okay.

19 Q Okay. Now the substance of the interview.

20 A You know, I can remember more of the things  
21 that I didn't learn than what I did learn right now, to  
22 tell you the truth.

1 Q Well, you can tell us both.

2 A I think we substantiated some of the stuff we  
3 had already learned. He had gone to work that day,  
4 some things that had been bothering him she had asked  
5 him to write these things down. And that -- oh, that  
6 he couldn't -- you know, he was like he was in a  
7 position that if he went back to Arkansas it would like  
8 be a failure, you know, that sort of thing.

9 Apparently, she had discussed that with him,  
10 maybe, and that maybe he would -- he thought he would  
11 let his friends down and that if he went back -- as a  
12 matter of fact, I think she said he could never go  
13 back, that was his opinion under those circumstances,  
14 something to that effect, you know.

15 I mean we got information that led us to  
16 believe what we were believing all along that it was a  
17 suicide, that the man was troubled, you know. Now what  
18 I said about other things, we didn't ask. I wish we  
19 had come out and asked some more direct questions, but  
20 I think we were concerned for the nature of her  
21 suffering and grieving and the sensitivity from that  
22 point of view.

1 I don't think we ever asked her a direct  
2 question, you know, was there any other woman involved,  
3 or was there a domestic problem, you know, in the  
4 household, which I think had it been what we think just  
5 a run-of-the-mill-type case, we would have probably  
6 asked those questions in a suicide situation if it's  
7 not obvious. Except to this point, it was never really  
8 -- I mean things were starting to come out, I'm  
9 talking about from his emotional state not from the  
10 evidence, his emotional state.

11 He's a successful person, very successful  
12 person, why has he committed suicide, where are those  
13 things that kind of jump out at you, those classical  
14 things; is there a financial crisis; is there a family  
15 crisis, you know. The only thing that we had kind of  
16 detected were the names of those three psychiatrists.

17 I'm not sure at this point we had learned  
18 about him calling his doctor and getting a prescription  
19 or not. But that -- I eventually did talk to that  
20 doctor over the phone. I eventually did have a better  
21 feel for that, but I'm sure I didn't at the time I  
22 interviewed Mrs. Foster, you know.

1 We still were having this picture of this  
2 person that's very successful, but we did pick up  
3 something from Mr. Anthony that was I think significant  
4 in balancing this whole spectrum out that there was a  
5 problem maybe, and that was Anthony who had told us  
6 that they might need an attorney because of this  
7 Travelgate thing -- I think the Travelgate.

8 And I think, if I remember correctly,  
9 Mr. Anthony, he sent some names of some attorneys over  
10 to him and also something else in light of everything,  
11 I thought had some significance.

12 Q What was that?

13 A Beryl Anthony had said or led me to believe,  
14 and I don't know exactly how he had said it. John  
15 Rolla didn't put it in his report, but there had been  
16 two other family members maybe even Beryl's wife that  
17 had suffered some from depression or had some problems  
18 with depression, because I remember him saying that,  
19 well, with her background, what she's done, she told  
20 the FBI or were asked are they aware, because  
21 apparently she has a high position at the Justice  
22 Department.

1 Now that's best from my memory; okay?

2 Q Sure.

3 A I think I have those facts right and the  
4 other part was the father or was it the daughter?  
5 Maybe the daughter -- it was related, the father could  
6 have a problem, and he was dying and they supposedly  
7 went and got the guns, and you go and get the guns.

8 I tend to think that they were probably  
9 depressed, but I mean maybe they're just settling the  
10 estate, I don't know. Somehow or another I came away  
11 that there were two other family members of the Fosters  
12 that had suffered from some type of depression which I  
13 don't think, you know, those things -- you know, I  
14 think when you're looking at suicide are significant.

15 Q Did you come away hearing any factors that  
16 you thought could feed into a homicide scenario?

17 A No, I don't remember anything that would make  
18 us change our review of our evidence and fact. I don't  
19 recall ever learning a fact or discovering any new  
20 evidence that would make us think anything other than  
21 suicide at that point. I mean even today, even today  
22 with all of this learning about Whitewater and all of

1 this other stuff that I never knew anything about, I  
2 still -- I still see nothing that would change our way  
3 of thinking or change our evidence.

4 Q Did you interview any other family members?

5 A Let's see. Beryl Anthony, Mrs. Foster. We  
6 did not interview any of the Foster children,  
7 Mr. Hamilton would not make them accessible to us,  
8 because we were concerned about trying to retrace some  
9 -- more of that time that we hadn't accounted for  
10 around 1:00 and 1:15 until we found the body.

11 And also the Secret Service was concerned  
12 that he brought the gun in the car to work with him  
13 that day, you know, meaning either in his briefcase, in  
14 his pocket or in the glove box or trunk or whatever, or  
15 if he had gone home and gotten it and we wanted -- we  
16 would have like to have talked to the son, because I  
17 remember Ms. Foster -- the youngest son, perhaps 17 or  
18 18, I'm not sure of his age, he may have slept in  
19 late. And even if Mr. Foster had come in from the time  
20 he went from the office and went to Fort Marcy, the son  
21 might not hear it, because he either slept in the  
22 basement or there was something there that she felt



1 that we would not gain anything by talking to him. And  
2 I think Mr. Hamilton helped her make the decision we  
3 couldn't talk to anybody, so...

4 Q Did you get the sense that she was holding  
5 anything back, information that would have been --

6 A No, because remember I said earlier, I think  
7 we would have gotten our statement if we hadn't asked  
8 any questions, you know. No, I can't sit here and say  
9 that she was, you know, but either from an emotional  
10 point, from her emotional point of view that she needed  
11 to get these things out or, you know, had been gone  
12 over so much with the attorney that it just came easy,  
13 you know.

14 I mean I don't know. I have no reason to  
15 suspect that Mrs. Foster held anything back. But then  
16 again had I asked her some more pointed and direct  
17 questions about domestic problems or financial  
18 problems, then maybe I could have better made that  
19 judgment.

20 But since I did not directly ask her those  
21 questions, I have to say based on the way the interview  
22 went, I don't sense -- I didn't sense and don't sense

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1 that she held anything back.

2 Q Let me ask you this: If you had been less  
3 sure that this was a suicide, would you have asked  
4 those pointed questions?

5 A Well, you know, I'd like to think, you know,  
6 if you're allowing me to quarterback here, I'd like to  
7 thought that, hey, that we would have interviewed her  
8 before she went to Arkansas maybe. If we thought, you  
9 know, if the evidence was so strong to lead us to  
10 believe that this was something other than the suicide,  
11 I think I would have liked to have thought that we  
12 would have made the decision to try to get to her and  
13 interview her if we had to -- you know, if that thing  
14 was anything less than a suicide as the evidence was  
15 pointing that way, you know, ourselves we would have  
16 started looking for something to subpoena the grand  
17 jury. And then again after reading Mr. Fiske's report,  
18 maybe the FBI would have taken the case over at that  
19 point anyway, you know. It appeared that they would  
20 have had the authority to have taken that over from  
21 us.

22 Q Okay. If you had the chance, would you have

1 asked her in the event that there were situations that  
2 maybe this was actually a homicide?

3 A That's a little hard, because you're saying  
4 now had I thought this was a homicide; is that what  
5 you're saying?

6 Q If you had.

7 A Oh, I think we would have had to, one of the  
8 motives for homicides is -- we just had this thing in  
9 Lincoln Memorial where the guy killed -- alleged to  
10 have killed his wife and killed another guy and kill  
11 himself. I mean I think that would, you know -- you  
12 know, nowadays, of course, the first thing is drugs,  
13 you know, domestic -- you know, what is it, love, hate  
14 and money or something like that I think are motives  
15 for murders, it's very narrow.

16 There's not a whole lot of other things. If  
17 you look at every murder, you know, it's going to be  
18 one of those three, isn't it, or something close to  
19 it. So, yes, I would have to say, yes, we've had  
20 enough experience that we would have asked that  
21 question if we thought it was a murder, so...

22 Q Did you ever have a chance to take a look at

1 the diary?

2 A No, I never saw it.

3 Q Did someone on your team do that?

4 A Right, Lieutenant Kass and John Rolla.

5 Q Do you recall them saying anything about the  
6 diary?

7 A Not at the -- not at the beginning. When I  
8 say "the beginning," around that time frame, time  
9 frame, you know, I had a lot of other things that I was  
10 occupied with. As I said earlier, had there been  
11 anything significant there, I have confidence in them  
12 they would have brought it to my attention.

13 And eventually I did read the report that  
14 they did put in on it, and I don't remember what all  
15 that says right now. But I mean there was nothing  
16 there -- I remember they looked through some personal  
17 things and I remember Lieutenant Kass bringing back a  
18 sample of what he believed to be Mr. Foster's  
19 handwriting.

20 And he brought back a newspaper article, I  
21 think it was a Wall Street Journal article, but he had  
22 the dates mixed up on it, and I remember just giving it

1 back. I may have taken that with me when we went to  
2 interview Mrs. Foster or just gave it back to  
3 Mr. Hamilton or her because we didn't need it.

4 We were going to use the handwriting when we  
5 compared the note that we picked up from the White  
6 House and have a handwriting analyst look at that. I  
7 don't remember anything being said or even after  
8 reading the report on the review of the diary that  
9 there was significant in changing the outcome of the.  
10 you know, the case.

11 Q Did you ever hear any information about Lisa  
12 Foster saying at the time she was notified of the death  
13 or asking at the time she was notified of Vince  
14 Foster's death, did he put it in his mouth?

15 A Right, I heard Simonello heard her say that,  
16 yes.

17 Q When did you first hear about that?

18 A I don't know, I don't know. I would say it  
19 was early on in the investigation. I think that was  
20 one of these things that stood out in my mind just  
21 like, you know, John and Cheryl two relatively young  
22 investigators. But John had been a narcotic

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1 investigator for quite period of time, and John worked  
2 for me quite a few years ago when he came on the job.

3 And I can remember thinking here, John is  
4 over in this house and here walks the president just  
5 like the average citizen, you know, I think John says  
6 like one other person with him, we think of all of  
7 these Secret Service agents, and all of these advanced  
8 type things, you know. And, of course, I'm sure they  
9 were around the corner, but -- somewhere.

10 But I can remember that kind of standing  
11 out. And, in fact, she did make that statement did he  
12 put -- because I can remember asking John, well, did  
13 you get the interview and whatnot and he says -- John  
14 says, you know, it was kind of like chaotic, and it was  
15 -- you know, only John can answer the question, John,  
16 why did you not interview her. And John would have to  
17 say, you know, she had no -- she would have no part of  
18 it.

19 She was too emotional. She was too  
20 hysterical, the place was too disruptive or he just got  
21 pushed aside, you know, I don't know. I'm sure he's  
22 trying to explain it to me. And I can understand that.

1 you know, if a person is distraught, you're not going  
2 to get anything out of them. You're not going to get  
3 anything out of it.

4 It's like did he put it in his mouth, that  
5 was already some indication there was a problem, and  
6 she knows he has a problem, whether the problem is  
7 depression or whether there was something else going  
8 on, who knows, you know, of course. I suppose to cover  
9 all grounds, she could have watched a TV show where  
10 someone killed themselves that way, you know, I don't  
11 know. I have no way of knowing.

12 Q Did he say anything or did he talk to you  
13 about whether to put it in his reports or not?

14 A You know, I can remember after the fact down  
15 the road somewhere we had a discussion I thought maybe  
16 John said maybe you ought to do an addendum, you know;  
17 I didn't order him to do the addendum, you know. We  
18 just kicked it around, you know.

19 Even though I'm the captain, we still go with  
20 investigators, and I'm comfortable with them. And I  
21 know they're competent to do their job. A lot of times  
22 we'll discuss things and talk about those things and,

1 you know, every day I don't come in and say you do this  
2 and do that and do that. We kick things around; don't  
3 you think it's a good idea; maybe you should do this;  
4 maybe you should do that.

5 We tend to kind of work together, you know,  
6 to get the same results, get the job done. I talk to  
7 John about it, I said, you know, I think I may have  
8 said, John, maybe you ought to think about doing it --  
9 John maybe you ought to do a report and just write on  
10 it addendum and put that in there, you know. And I do  
11 know we discussed that.

12 But, you know, that's down the road, gosh, I  
13 don't know, how long that was, maybe that was after  
14 Fiske took the thing over, I can't tell you the time  
15 frame. You know, just like the thing about the two  
16 family members that -- I believe there was two family  
17 members, you know, that had suffered some form of  
18 depression or something before. I think at some point,  
19 I kind of felt maybe that should have been in the  
20 report, but no one was ever directed to do that the  
21 best I recall.

22 And the reason I say that is in light of all

1 the questions, was it a suicide, because all of those  
2 things I think tend to lean in that direction along  
3 with the evidence, of course, I mean that's the  
4 strongest.

5 Q Do you know if the car was ever  
6 fingerprinted?

7 A It was processed. I would almost say it was  
8 fingerprinted and some of the items in it were  
9 probably. I remember telling the sergeant --

10 Q The sergeant?

11 A Sergeant Lofton, he's the head of the -- you  
12 know, he would be like Pete Simonello and Eugene  
13 Smith's direct supervisor --

14 Q Okay.

15 A -- to process the car. And processing a car  
16 from, you know, a technician's point of view, you take  
17 pictures, you fingerprint. So I can remember from the  
18 gun and the car, there was nothing there that was  
19 significant to the investigation.

20 I can remember looking at the car myself,  
21 because I was surprised at the appearance of the car  
22 and I think one of the investigators or someone said,

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1 well, apparently one of his children used that car.

2 Q When you say --

3 A Because it did look like a young person would  
4 drive the car, there might have even been a beer can or  
5 something in it.

6 Q Do you recall if that ever came up in  
7 conversation at all with Lisa Foster or any of the  
8 people that knew Mr. Foster about whether he usually  
9 used this car or not?

10 A I personally don't recall that, no. I can  
11 remember reading something about it, I don't know if it  
12 was in the newspaper or in a police report or what, but  
13 I do seem to think that that has been determined that  
14 his son or a -- because I can remember seeing some  
15 stuff in the car; it could have been his daughter,  
16 there were some things in the car that led me to  
17 believe that the person was a student.

18 Q Stuff like what?

19 A Oh, college papers.

20 Q Other than the beer can.

21 A College papers, college books, maybe  
22 writings, you know, bank statements or something, I

1 don't know. It was nothing -- it was all to indicate  
2 that, you know, it could have been one of my kids  
3 that's in school that was driving this car, you know,  
4 maybe except for the beer can, but...

5 Q You hope anyway.

6 A Oh, no, I'm pretty comfortable with that,  
7 but, yes.

8 Q Do you know if Vince Foster was right-handed  
9 or left-handed?

10 A No.

11 Q Okay.

12 A We may have determined that. I think that  
13 may have been discussed at some point, but I don't  
14 know. Some of the investigators perhaps know, and I  
15 don't remember if we asked Mrs. Foster, but we could  
16 have, but I don't recall it.

17 Q Is that --

18 A You know that can be significant, and I don't  
19 know where you're going with it. But, you know, I'm  
20 left-handed, I shoot a rifle right-handed. So what  
21 does it all mean? Do you see what I'm saying? It may  
22 be significant, it may not be significant. Just like a

1 composite drawing, a polygraph, it's a police aid,  
2 nothing is absolute in themselves, you've got to take  
3 it in the totality. I'm left-handed. I shoot  
4 right-handed, I shoot a rifle right-handed.

5 Q Is that something you would normally try to  
6 find out in a shooting?

7 A Yes, it could be significant, especially  
8 where -- especially like in suicides, it could be  
9 significant. Sure, I would have to say, yes, but that  
10 in itself doesn't necessarily -- you know, I don't see  
11 it -- I see it as important, but not all that important  
12 as some people would lead us to believe.

13 Q Do you know if he --

14 A Let's put it -- no, never mind.

15 Q Do you know if he hunted or not?

16 A I had a guy call me and I'm sure somewhere I  
17 got his name, but I don't know. This was sometime  
18 after the fact -- I'm going to have to take a break in  
19 a minute.

20 Q Yes, I just looked up, maybe after this  
21 answer.

22 A Okay. I can remember talking to a gentleman

1 that apparently knew Foster or knew his father back in  
2 Arkansas when this gentleman was younger, this  
3 gentleman that I spoke to, and he mentioned something  
4 about going -- I think the word is plinking.

5 Q Plinking?

6 A Plinking, you know. You just shoot at cans  
7 in the water or shoot along the riverbank or something  
8 like that, you know. I'm kind of a country boy, I did  
9 leave early. I didn't learn all of these country  
10 things I guess. I kind of let my family down,  
11 plinking, I guess, I don't know.

12 And he remembered a gun in the Foster family,  
13 it may have been the father that he went when he was a  
14 boy or when they were all boys. It turned out not to  
15 be significant, because I met this gentleman and showed  
16 him the gun, and he said no, no, that's not the gun I  
17 remember.

18 But I do remember him saying something about  
19 they would hunt. And that's how I'm trying to answer  
20 your question. I do remember something.

21 Q So he'd seen Foster use a gun before, maybe  
22 not this one or --

1 A I don't know if it was Mr. Vince Foster or if  
2 it was his father's. But he said he had seen a gun in  
3 the Foster family, and I met with this fellow and  
4 showed him this gun and he said, no, that wasn't the  
5 gun that he remembered.

6 Q Do you know if Foster served in the military  
7 at all or any kind of service?

8 A I'm not aware of any, and I don't know if he  
9 ever looked into that aspect of it, Pete may have.

10 MR. IVEY: All right. Let's break for you.  
11 Okay.

12 THE WITNESS: Okay.

13 MR. DARMER: What time are you going to be  
14 back?

15 THE WITNESS: I'm trying to get back as soon  
16 as I can.

17 (Whereupon, at 11:06 a.m., a lunch recess was  
18 taken.)

19  
20  
21  
22

## AFTERNOON SESSION

(12:43 p.m.)

1 THE WITNESS: You had earlier or -- I had  
2 mentioned earlier that there may have been another  
3 sergeant on duty that morning of the 21st of July, I  
4 had him check on break, and he said he was on vacation  
5 during that time period.

## EXAMINATION (Continued)

8 BY MR. IVEY:

9 Q What was your understanding about what had  
10 taken place at the death scene as far as the  
11 investigation?

12 A Are you talking about where the body was at  
13 Fort Marcy?

14 Q Right.

15 A When you say -- there on the immediate crime  
16 scene that evening?

17 Q No, I'm talking about before the case is  
18 closed but after people had told you what people had  
19 done or you had read reports about it.

20 A Well, my understanding was that at some time  
21 in point, obviously after 1:00 or 1:15, he drove to  
22

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1 Fort Marcy, put a gun in his mouth and shot himself.  
2 And there was someone walking in the park that saw the  
3 body, came out and drove north on the parkway, saw two  
4 of our maintenance workers sitting there at Turkey Run,  
5 notified them, and these people then called the  
6 police.

7 Q Did you have any luck trying to get in touch  
8 with the maintenance workers?

9 A I personally didn't; some of the  
10 investigators did, yes, they interviewed the  
11 maintenance worker.

12 Q Do you remember who interviewed the  
13 maintenance worker?

14 A I don't remember the detective/investigator's  
15 name, but Sergeant Rule was handling that particular  
16 phase of the investigation, perhaps he was present.  
17 The best of my recollection I think he was present  
18 during that, but...

19 Q And as far as the description of the person  
20 who notified them that there was a dead body in the  
21 park, do you recall if they were, you know, what level  
22 of detail they were able to give?



1       A    There was some detail, I remember a white  
2 van. I remember a white male, and I remember him  
3 being, to the best of my recollection, perhaps a little  
4 on the large side; but other than that, I don't  
5 remember a great deal of detail.

6       Q    And what efforts were made to try and follow  
7 that up and find this man?

8       A    Well, I can remember the sergeant talking  
9 about it. And if I remember correctly, he directed a  
10 detective to go up in that area on subsequent evenings,  
11 so I don't know if this was a Tuesday.

12       For example, we would be up there on the next  
13 Tuesday and see if you see a van go by, it would be  
14 standard type operation you would do in trying to  
15 locate someone that you may think that travels a  
16 certain area each day; you'd go back around that time  
17 frame and see if that was the normal route that a  
18 person would take.

19       You know, many of us are creature of habits,  
20 we take the same route in and out of work every day.  
21 And I'm sure the best that I recall he called up to the  
22 station and had something put out for the uniform

1 officers to be on the lookout for that van, you know.

2       He would give the description and ask them to  
3 be on the lookout, you know, the patrol officers that  
4 work around the clock. I know there was some effort  
5 made to locate the van.

6       Q    And as far as the metal detectors, do you  
7 know what size area was searched or what that whole  
8 process was?

9       A    Not completely. I can tell you it wasn't as  
10 extensive as the FBI, I can tell you that for a fact I  
11 think.

12       Q    Well, about how expansive was yours? Do you  
13 recall what area, what size area the search was?

14       A    I would imagine right around the body, but I  
15 don't know, you know, I wasn't there. But I did drop  
16 in when the FBI did. And I can tell you now we didn't  
17 have that kind of operation up there, we don't even  
18 have the resources to do that kind of an operation.

19       Q    So when you say, "resources," what do you  
20 mean?

21       A    Well, they had numerous agents, they had  
22 people from the lab, they had -- I think they had some

1 people from I think the Smithsonian, I think they  
2 had --

3 Q Why people from the Smithsonian?

4 A Because of the bone fragments. In case they  
5 found any fragments of bone, I guess they could  
6 identify it as human.

7 Q Okay.

8 A And I know they had the archeologist from the  
9 Park Service out, because they wanted me to give him  
10 permission to dig in the park and I couldn't do it, and  
11 I notified the superintendent or the acting  
12 superintendent's office, because that's a historical  
13 park and those structures are historically  
14 significant.

15 And I know just from my part in service  
16 training minus the blue uniform when you start digging  
17 in parks, you know, you can disturb a lot of history  
18 and things like that, you know. And I felt that  
19 someone from the archeology or historical part from the  
20 park should be there, you know, because I mean the FBI  
21 can go in there and do some pretty big operations. And  
22 we just know from things they did in the south, they go

1 in with bulldozers, you know.

2 I didn't what the hell they were going to do,  
3 all of a sudden they go in there and tear up that park,  
4 the next thing we see in the Washington Post, "Park  
5 Police Charlie Hume gives them permission to destroy  
6 the park," no way. But I had an understanding they  
7 wanted to keep it out of the press and keep it low  
8 profile.

9 Q Okay.

10 A No simple yes or nos are they, Glenn?

11 Q No.

12 At what point were you contacted by the FBI  
13 on behalf of Mr. Fiske?

14 A Well, it was well after we closed our case,  
15 that's for sure.

16 Q Okay.

17 A As far as we were concerned, that case was  
18 closed and put to file, end of story, plain and  
19 simple. I want to make that very clear here, very  
20 clear.

21 Q Let me back up so you can clarify it more.  
22 How did you decide when would be the right time to

1 close the case? I mean what was the process in that  
2 determination?

3 A Well, I think I did most of the follow-up,  
4 the wind-down work, what I call the things, you know,  
5 that you have to go through, the final phone calls, the  
6 final -- like Jim Lyons and the doctor and things like  
7 that. When I got back to the office, you know, pretty  
8 much we had finished being out in the street, so to  
9 speak, but I guess the point that I knew that we would  
10 be able to close it was when all the evidence was in,  
11 that was the autopsy was completed, the -- all  
12 statements were reviewed and also they wanted this  
13 investigation.

14 I say "they," Justice Department, okay. I  
15 can't put a finger on who they are, because I was being  
16 told either by my chief or Major Hines, but they were  
17 -- the Justice Department wanted us to close ours at  
18 the same time the FBI closed their case, they titled I  
19 think it's something like possible obstruction of  
20 justice case.

21 See I was ordered by the chief to turn it  
22 over. I refused at first, because I didn't know what

1 was going on. I was ordered to turn over the note, the  
2 original note to the FBI; you know, that 27 pieces or  
3 whatever it was.

4 Q Who ordered you to do that?

5 A Well, the chief eventually, Chief Langston.  
6 And I say ordered, he may not have called up and said  
7 Captain Hume, this is Langston, you are hereby ordered;  
8 he probably said give it to the FBI, and I don't have  
9 any problem with that, because they're looking into  
10 this and looking at this. Because when the agent first  
11 called, I told him I couldn't give it to him.

12 I think we were ever vigilant, if that's the  
13 right word, that I think there was a possibility there  
14 could be some influence in this case. And I think  
15 that's why we were -- that we started numbering copies  
16 of the notes and started making notations about who had  
17 this note and where the copies were.

18 I may have even instructed somebody to do  
19 that, I'm not sure, take pictures of it before we  
20 turned it over. I think we ended up taking too damn  
21 many pictures. Everyone was taking pictures of the  
22 note.

1 I think one evidence guy had already done it,  
2 and that day when chief says it's okay to give it to  
3 him, I think I may have directed him to take pictures  
4 of it, and I think that technician may have done it not  
5 realizing we had pictures. I know we ended up with  
6 more pictures than we needed of the thing, you know,  
7 and copies and things like that.

8 I think we were very careful and we were very  
9 careful about anyone leaking that note out to the  
10 press, I think, too, I think that's why I numbered  
11 those copies, I think I put like 1 through 4 or  
12 something on it.

13 Q Let me come back to the closing of the case,  
14 the determinations you've talked about. I think the  
15 last one you were talking about was DOJ-1, and it was  
16 closed?

17 A I think I could have closed it before then.  
18 I think my final work would have been completed on the  
19 case, but they kind of wanted the timing to coincide.

20 Q Did they ask you to delay closing your case?

21 A It was either the major or the chief, I don't  
22 know which one, I tend to think it was Major Hines, but

1 see I'm not real sure. They did not want us to  
2 officially close it, because they had a press release  
3 or something planned, a joint press release.

4 Even though it was held at the Justice  
5 Department, the FBI was going to be there and the chief  
6 of the Park Police was going to be there, and I think  
7 the Justice Department was the spokesperson who kind of  
8 set up the press release.

9 Our press people didn't handle that, and I  
10 don't think the FBI press people handled it. It was at  
11 the Justice Department level.

12 Q Okay. Any other factors? Let's see, you  
13 mentioned statements --

14 A Evidence or the statements, I mean all  
15 grouped together is evidence.

16 Q Okay.

17 A Okay. But keep in mind, you know, I may have  
18 put the case over here and not done anything else on  
19 it, you know, a day, a week, I don't remember the time  
20 frame when I finished looking at the case, reviewing  
21 everything, signing off, writing, having the final  
22 report written or whatever until, you know, they had

1 the press release and made the official statement that  
2 the cases were closed.

3 Now, I do know one thing, I think it was  
4 Margolis, I think it was him, said could you -- you  
5 know, the FBI apparently they must do -- they do a  
6 narrative, a running rumor, a running narrative  
7 apparently in their reports. We do -- each agent or  
8 detective does a report. You know, no one sits down  
9 and connects all of those reports; I mean it's in a  
10 file, you know.

11 You're familiar with typical standard police  
12 reports as opposed to maybe what the FBI has. I'm not  
13 sure I know all what the FBI does on those reports.  
14 But I think it was Margolis said could you write like a  
15 little synopsis. So I had Pete do like a couple-page,  
16 kind of like we used to do administrative inspections  
17 investigations, you do kind of a synopsis and summary  
18 and then your findings.

19 I had him do that more I think for the  
20 reading pleasure of the top officials within or without  
21 -- within the police department and outside, such as  
22 the Justice and all.

1 Q Okay. So you asked Markland to do it and  
2 someone asked you to do it or sort of --

3 A Yes. If we could do it, and I'm pretty sure,  
4 because Margolis is the one that was doing most of  
5 the --

6 Q So it's probably Margolis?

7 A Right, because that's who I take it to and  
8 give the copy to, right.

9 Q And at the time that you closed the -- did  
10 you decide that it was closed or did someone else  
11 decide?

12 A I'm the highest Park Police official that  
13 signed off on it, so yes.

14 Q At the time you closed --

15 A I think it closed itself in a sense.

16 Markland was getting promoted, moving on. The other  
17 assignments had been completed by the other detectives,  
18 you know, I had Markland continue to be there then. He  
19 would have presented the case probably to me, and I  
20 would have reviewed it and put it to file.

21 See, one reason, too, way back to the  
22 beginning, we talked about my involvement in this,

1 Lieutenant Kass, who is the major crimes lieutenant, I  
2 think was like on leave or in training or something.  
3 Normally, he would have taken the lead in this, and  
4 that was another reason for my involvement also.

5       You know, if Lieutenant Kass had been there  
6 and he had gone to Markland to the White House, I mean  
7 there's a chance he could have done that and I wouldn't  
8 have gone up then. I mean I think -- if I remember  
9 correctly, I think he may have been in Georgia for two  
10 weeks of training or three weeks of training or  
11 something like that. And from the time he got back,  
12 you know, we were pretty much well into the case.

13       Q   Okay. So at the time that you decided to  
14 close the case, was there anything outstanding that you  
15 thought should have been resolved or that you would  
16 have liked to have resolved or any other investigative  
17 activity that you would have liked to have completed?

18       A   That's not an easy question, because had it  
19 been what we call a routine or a normal case probably  
20 some other things we might have done. Had we known the  
21 night before that some close friend of the person just  
22 killed himself had called him, we would probably want

1 to interview that person. But in this case, I sure had  
2 no interest in interviewing Bill Clinton, you know.

3       And I think he did have a conversation with  
4 him the night before that I learned since I think from  
5 reading the newspaper, because that's been one of the  
6 last people in his last hours of his life that had a  
7 conversation with him.

8       If we're sitting here talking, especially if  
9 we're friends, there's a good chance that you may not  
10 realize it is, but some trained investigator might  
11 realize that there was something significant to the  
12 investigation. But by the time that we had been  
13 through the ringer, so to speak, I had no interest in  
14 interviewing anyone else.

15       Q   Did you know before the case was closed that  
16 Clinton had called the night before?

17       A   Glenn, I don't know. I'm almost sure I  
18 learned that from the newspaper. You know, I learned  
19 stuff from Hines and Langston and all different ones,  
20 too, because, you know, reporters were feeding a lot of  
21 information into the chief's office, probably got  
22 hundreds of calls, you know.

1 And we were getting calls. I remember Pete  
2 Markland got a call from somebody in the south, maybe  
3 Arkansas. There was a tape they mailed Pete or me.  
4 One of us got mailed this tape, you know, that was  
5 alleging some liaison between Mrs. Clinton and  
6 Mr. Foster.

7 We had all kinds -- we have a file that's  
8 called the crazy file, the nut file, all of these  
9 theories. We still -- there was a fax in my mail box  
10 when I came back after lunch from some nut up north  
11 somewhere. He's got about 15 or 20 dates in there and  
12 he does something, and he marks that date and puts a  
13 new date in it and sends it to Markland, M-a-r-k-l-i-n,  
14 I guess it's for Pete Markland. If they don't throw it  
15 in the trash can, they throw it in my box, I mean, you  
16 know.

17 Q You just alluded to allegations of an affair  
18 between Hillary Clinton and Vince Foster. Did you come  
19 across any evidence of that?

20 A I didn't, no.

21 Q What about the pager that was recovered from  
22 Foster, do you know if anybody checked the numbers on

1 it?

2 A Well, John -- I think John Rolla may have --  
3 may have. I don't know. I mean I may have known that  
4 at one time, but I don't recall. Some store numbers,  
5 some don't; you can clear them. I have one, I have a  
6 bunch of stored numbers, all of those are numbers or a  
7 message under there. I mean I've had a pager before I  
8 got this one.

9 I mean there were no stored numbers in it,  
10 you know. I really can't tell you. Wait a minute. I  
11 do seem to think it was turned off. I do recall -- I  
12 think it was turned off. And I also recall that  
13 someone from the White House had paged Mr. Foster, and  
14 we believe he was probably dead at the time that he was  
15 paged.

16 It seemed like to me that he was paged that  
17 evening, but I don't remember all the circumstances  
18 surrounding that, it might have been something to do  
19 with his wife had called the office or something,  
20 because I think I remember seeing on the message log  
21 that she had called.

22 But there was some people that were trying to

1 reach him after he left the office, and I think there  
2 was at least a phone call and maybe perhaps a page to  
3 him.

4 MR. IVEY: Okay. I think that does it for  
5 me. Let me just review my notes briefly here.

6 (Pause.)

7 MR. IVEY: Yes, I don't have any other  
8 questions at this point.

9 EXAMINATION

10 BY MR. DARMER:

11 Q Captain, I would like to go back, you gave a  
12 lot of testimony this morning about a sequence of  
13 events, and I want to make sure I understand it all.  
14 So I've got some questions for you, and you can maybe  
15 fill in some gaps for me.

16 Is it your testimony that you did not learn  
17 about the incident at all until the 21st, Wednesday the  
18 21st, the day after the death?

19 A The next day, whatever that was, I think  
20 you're right, it was the 21st, yes.

21 Q And you learned about it when you came into  
22 your office?

1 A Yes.

2 Q And you were located at the Anacostia  
3 facility?

4 A That's correct.

5 Q Are senior Park Police officials like  
6 Major Hines and Chief Langston at that facility?

7 A No, sir, they're at headquarters, which is in  
8 Hains Point.

9 Q Which is in the District?

10 A Right, we're all located in the District,  
11 just in different sections.

12 Q Across the river?

13 A Right.

14 Q And I think I recall you saying that you  
15 heard about the case by conversation that was going on  
16 in the CIB area; is that right?

17 A Right.

18 Q Now, there was a number of Park Police  
19 personnel that had been on the scene the day before, I  
20 guess you're aware of that?

21 A Right. As a matter of fact, one of my  
22 lieutenants had stopped by there, went on home because



1 he didn't realize the significance, thought it was a  
2 routine case.

3 Q And who is that?

4 A Lieutenant Schmidt.

5 Q What's his rank?

6 A He's a narcotic lieutenant.

7 Q I don't remember hearing his name before.

8 A Well, because he pulled up on the parking lot  
9 or on the street, I don't even know if he got out of  
10 his vehicle, and asked one of the investigators what he  
11 got, and he said it looks like a suicide or something  
12 to that effect. I don't know the exact words, he went  
13 on home.

14 Q He just happened to be passing by?

15 A He lives out that way. He must have been on  
16 his way home, I think he lives in Falls Church, and he  
17 was on his way or whatever.

18 Q Would something like that have been written  
19 in a report?

20 A Normally whoever is on the scene of a major  
21 crime their name is put in the report even if the chief  
22 showed up, his name.

1 Q Anyone from the most junior rookie to the  
2 most senior person?

3 A Any person, rookie person. I don't know if a  
4 street officer knows to do that. But an investigator  
5 knows everyone on the scene of the crime, you record  
6 the names. And see if he never went up to the actual  
7 scene, his name might not be in the report, I don't  
8 recall his name in the report, actually.

9 Q Okay. But he works for you?

10 A Right.

11 Q He doesn't work for you?

12 A No, he does work for me.

13 Q You supervise both narcotics and major  
14 crimes?

15 A Right, I have two lieutenants that manage  
16 those, and I have sergeants that supervise within those  
17 units.

18 Q The other lieutenant being Lieutenant Kass?

19 A Yes.

20 Q Do you know who Lieutenant Gaven is?

21 A He's a shift commander, these guys work  
22 around the clock 24 hours a day, weekends and

1 everything. And they're basically the senior official  
2 in charge of the street operation.

3 Q Okay. And you're aware that Lieutenant Gaven  
4 was at the scene at Fort Marcy Park?

5 A At some point I learned that.

6 Q Would he have filed a report or talked to you  
7 about that ordinarily?

8 A Probably not. I mean, you know, he's just to  
9 make sure certain things are done. I mean he's the  
10 senior detective. The senior investigator on the scene  
11 of a crime will make decisions. Lieutenants only  
12 operation, you know.

13 If you need a couple traffic officers,  
14 redirect traffic around the crime scene or something, a  
15 lieutenant might be responsible for that, you know, the  
16 shift commander. The shift commander is responsible  
17 for making press inquiries. He's responsible for doing  
18 shift reports and summary reports and things like that  
19 and make sure all the chief's rules and regulations are  
20 complied with. You know, if a citizen has a complaint,  
21 there's someone to listen to him of a senior type of  
22 official at that particular time.

1 Q Okay. Now, you said that both  
2 Detective Braun and Rolla were still in the office when  
3 you came in that next morning; is that right?

4 A That's correct, yes.

5 Q And when, if at all, did you actually talk  
6 with them about what had happened?

7 A Well, it had been around from 6:30 to, you  
8 know, over the next period of an hour I guess, but a  
9 lot of things -- see, I come in 6:00, most supervisors  
10 come in at 6:00. And the shift -- most of the shift  
11 starts at 6:00; very few of us come in at 7:00.

12 They all come in and beat the traffic. A lot  
13 of them live in Virginia, and it's tough getting in,  
14 and they want to get in before the traffic.

15 So a lot of things -- a lot of discussion  
16 -- see, you know, these discussions that are going,  
17 they're going to start at 5:30, quarter to 6:00 with  
18 the supervisors, I'm going to get in at around 6:30  
19 and, you know, they don't want to have to repeat all of  
20 this stuff, and I will just pick it up, get it from the  
21 supervisor, or I will read a board. We have a summary  
22 board.

1 Like this morning, I came in up by the  
2 supervisor's offices, we had an officer assaulted last  
3 night. I quickly read a brief summary, you know, on  
4 that.

5 Q Had someone prepared a brief summary that  
6 morning for you?

7 A No, I don't remember anything like that.  
8 They were still there, I mean it was a verbal type  
9 thing.

10 Q And it was Rolla and Braun who were speaking  
11 to you, telling you?

12 A Like I testified earlier, I don't remember if  
13 I got it directly from them or a supervisor or other  
14 detectives, but I mean this was an ongoing type  
15 discussion, and I was running back and forth from my  
16 office back to the sergeant's office.

17 You know, standard operating procedure, you  
18 come in, you get your cup of coffee. And I bring a  
19 newspaper in with me every morning, because I have 30  
20 minutes of my own time; 99 percent of the time I don't  
21 read it, but I have it anyway.

22 Q Did you have any messages that morning from

1 Major Hines or the chief or any senior personnel?

2 A Nothing, nothing that I recall. First  
3 contact I remember, like I said, happened with the  
4 chief and Major Hines again is when I saw them at the  
5 White House.

6 Q Which was later that day?

7 A Right.

8 Q How soon then after you kind of got the gist  
9 of the story or when you learned what had happened that  
10 morning did you contact Detective Markland?

11 A Well, I know what -- you know, I know what  
12 precipitated that, is when I heard the sergeant.

13 Q Giving out the assignments?

14 A Trying to give out the assignments and  
15 things, and I rearranged those assignments, and I said  
16 Markland will be one. And at that point in time, I  
17 didn't really get too involved with the second one  
18 until they were hemming and kind of hawing a little bit  
19 who the second one would be, and I said that's all  
20 right, I will do it myself.

21 Like I said -- remember, I said I was dealing  
22 with some other personnel problems, and Hines and the

1 chief could have called for me and didn't get through  
2 to me, maybe my boss talked to him.

3 Q You were dealing with personnel problems  
4 unrelated to this case?

5 A Right.

6 Q So once you interjected yourself and said you  
7 wanted Markland to be in the lead role on the case, you  
8 told --

9 A The White House part of it.

10 Q And what did you decide about the other parts  
11 of the case at that point, or what did you discuss with  
12 Sergeant Rule about who was going to handle the other  
13 parts of the case?

14 A Well, you know, he was kind of -- you know,  
15 we were all kind of talking about different things.  
16 You know, you just kind of, this one needs -- you kind  
17 of go down a checklist.

18 Q What would be on that checklist?

19 A You know, go back up to the crime scene, a  
20 metal detector, locate the people, the witnesses.

21 Q Did you try to talk about the specific people  
22 to locate?

1 A I'm sure we talked about the guy in the white  
2 van. I would think we did, the best I recall, and also  
3 an autopsy got to be done and things like this.

4 Q And this would have been a conversation with  
5 Rule, just you and Sergeant Rule or did Detectives  
6 Rolla and Braun participate?

7 A I can recall Sergeant Rule and I talking, I  
8 think one detective maybe leaning, just standing around  
9 the periphery wanting -- eager to help, you know, young  
10 junior investigator.

11 Q Sure.

12 A And there may have been -- the keys to all  
13 the police vehicles are kept in that office, you know.  
14 Investigators may have been coming in and out to get  
15 keys and things like that, you know, and maybe every  
16 once in a while a detective/investigator might have  
17 said something, you know, thrown out some things,  
18 ideas, you know, or suggestions or something like  
19 that.

20 I mean I don't know. It wasn't -- you know,  
21 it's not a briefing like where you're getting ready to  
22 go on a raid or a combat action or something like that.

1 I mean it's a general discussion.

2 Q And no one is taking notes or anything?

3 A I wouldn't think so. There was no reason to  
4 take notes or something like that. These kind of  
5 things occur on many mornings every week, I mean, you  
6 know.

7 Q Sure. So what happened after you kind of  
8 organized who was going to be involved in the  
9 investigation after that -- after those conversations?

10 A What did I do?

11 Q What did you do?

12 A Well, I think I still tried to finish up this  
13 personnel thing. But I told Markland, told, requested  
14 or just said, Pete, are you going to make those  
15 arrangements or would you make those arrangements,  
16 something along those lines, and he said I will take  
17 care of it, no problem, something to that effect.

18 He gets on the phone, and he calls -- I can  
19 remember coming back out later, and he let me know that  
20 he had kind of had the thing in place that we would go  
21 up there. And like I said earlier, I can remember it  
22 took a little bit longer than I thought before we would

1 get our appointment up there, you know, and get in.

2 Q So Markland was one in the group that was  
3 sitting around talking about what had to be done?

4 A I don't specifically remember Markland being  
5 in the sergeant's office, because I think when I said  
6 Markland will be one of them that goes up to the White  
7 House, I think he was out at his desk. I don't think  
8 he was in there, you know.

9 Q And do you recall having any -- did you ever  
10 try to get him aside or talk to him about anything more  
11 specifically other than knowing he was going to go  
12 ahead and try to make arrangements for the White House?

13 A I don't really recall anything, no. I mean  
14 it could have happened, but I don't remember. I mean  
15 the only thing I remember is that we go to the White  
16 House. He was making the logistic arrangements to get  
17 us into the gate and whatnot, and that was pretty much  
18 it.

19 And I knew Sergeant Rule had taken care of  
20 the other assignments and things that we had to do, and  
21 at that point all the obvious things and the next  
22 things you normally do in a situation, it looked like

1 we had them covered.

2 Q Right. Once you got word back from Markland  
3 that the arrangement had been made for the White House  
4 and you were going to head over there, did you try to  
5 contact your superior officers at that point,  
6 Colonel Hines -- Major Hines or Chief Langston?

7 A Did I personally try to contact them?

8 Q Or Markland. Did you or Markland when you  
9 were about to head over to the White House --

10 A No, I don't think I even attempted a call. I  
11 mean I didn't -- looking back on it, I don't know why I  
12 would have. I mean we didn't, I guess, anticipate any  
13 problems.

14 Q The fact that it was involving a White House  
15 employee wouldn't or -- a White House senior person  
16 wouldn't have caused you to want to get in contact with  
17 the top brass of the department?

18 A Not until I had a problem, I mean, you know.

19 Q Do you know at that point whether Rolla had  
20 been sent home?

21 A Well, I never -- for example, this morning I  
22 came in as a detective is sitting there, and one of the

1 senior detectives said, did you hear about the case  
2 last night. And it was an unusual case, and he briefed  
3 me on it.

4 And I remember walking back in the sergeant's  
5 office, Sergeant Rule, the day sergeant, and he started  
6 mentioning it to me. And he said David told me about  
7 it, and I says is there any reason that we still need  
8 the detective here? There's a guy that's worked the  
9 whole shift all night long into the day shift, I said  
10 can't we just go ahead and send him home, and I guess  
11 -- and I may have followed up, or is he just BS-ing  
12 with the guys.

13 I think his sergeant said mostly BS-ing with  
14 the guys, you know, not passing on anything that really  
15 needed to be followed up, maybe that's already been  
16 done, you know. So that's what I'm saying, you know,  
17 it's not one of these things, hey, you go home now,  
18 punch out, time clock. I mean we don't do that.

19 You know if a guy stays two hours, we have to  
20 assume that he's doing two hours productive work.  
21 We're not paying him, giving him compensatory time. He  
22 could be paid, but...

1 Q Rolla was the detective in charge of the  
2 scene, is that right, the investigation?

3 A Yes.

4 Q What's the ordinary -- what's the ordinary  
5 way things work in the department? Is it usually the  
6 detective who's handled the scene of a violent crime or  
7 a major crime ordinarily charged with the investigation  
8 afterwards?

9 A Maybe, maybe not; it depends. I mean we have  
10 investigators and detectives. The investigator has one  
11 position description, the detective has another  
12 position description. I'll get grievances for back pay  
13 if I sign -- sometimes if you assign an investigator to  
14 do detective work but he wants to get paid at a  
15 detective rate. See the detectives get paid more than  
16 investigators.

17 Now, it may be hard and fast rules on  
18 everything. But we're paid as managers. We can make  
19 those decisions, and we can change those decisions.

20 Q So part of your decisions in staffing is  
21 economic, it's making determinations on cases?

22 A Of course. And I don't think only economic.

---

1 you know. You got unions to deal with, we have a  
2 strong police union, you know, the economical factor  
3 that you said. We have the personalities. Many of  
4 these detectives I know. I worked as a detective with  
5 them in the '70s, I know them.

6 Some of them will do the job, but they'll do  
7 a minimum job. There's others that are very aggressive  
8 that will stay there and work many hours. And, you  
9 know, you're going to get a good job from them. Some  
10 others are looking for other jobs. Some of them are  
11 basically retired, retired in place, you know.

12 I mean it's just a typical organization, you  
13 know, a typical office, whether it's FBI, Park Police,  
14 Arlington County, Fairfax, every office has them, you  
15 know.

16 Q Is Rolla an investigator or a detective?

17 A He's an investigator, but a good one. And  
18 he's had -- like I said he had previous narcotic  
19 experience. And I knew him as a young officer when he  
20 came on his job, I've always been impressed with him.

21 Q Why do you think Markland was the one best  
22 suited to head up the investigation?

1       A    I was a sergeant back in the early '80s, he  
2 was assigned to my squad. He's a very mature  
3 individual and outstanding person, in my opinion. I  
4 knew he would keep his mouth shut when he needed to,  
5 and I knew he wouldn't back down when he didn't have  
6 to.

7           I just felt very good about him on this  
8 investigation. And he just finished up -- I guess they  
9 just finished up a homicide, he and his partner.

10       Q    So he had violent crime experience?

11       A    Right.

12       Q    A fair amount of it?

13       A    Right.

14       Q    Did you think at the time that morning as you  
15 were preparing to go to the White House that that was  
16 the most important part of the case?

17           MR. IVEY: "That" being?

18           MR. DARMER: The White House part.

19           THE WITNESS: The most important part of the  
20 case?

21           BY MR. DARMER:

22       Q    How in your own mind did you think of the

---

1 various pieces of the investigation?

2       A    I don't know if I've ever even to this day  
3 sat and analyzed it from that point of view. I mean I  
4 don't know if you can say one part is more important  
5 than another part. On that morning we had not closed  
6 the case, the case is still open. I mean we don't know  
7 what we were going to discover up there.

8       Q    What about in terms of the parts of the case  
9 that you felt you needed to be personally involved with  
10 as a captain?

11       A    Well, I mean it's obvious I couldn't go to  
12 the crime scene, because it would have already  
13 happened. Now if they had called me at home -- I think  
14 Investigator Braun said she tried to page me; well,  
15 that happened to be one evening that I had my pager on  
16 well into the evening, because I think I met my son and  
17 we had done some activities together after work.

18           A lot of times I will take my pager off and  
19 just leave it on my table in my dresser. But that  
20 particular evening, I carried it with me well after  
21 *this death, I think, and I never got a page.*

22           And I live way down in the country, and it's



1 possible even right now if these message numbers I have  
2 on this pager, I expect there's something garbled on  
3 there, because sometimes they don't come through very  
4 good. But she did say she did try to notify me.

5 Q Did she say at what point in the evening?

6 A Sometime during the evening. I mean I don't  
7 remember exactly when. We do have some telephones in  
8 our cruisers, you know, whether she did it on the scene  
9 or back in the office, I don't know. Or I mean I  
10 didn't really get into it. I mean there's nothing I  
11 could do at that point.

12 Q I mean would you have expected to have been  
13 contacted as they were going through for the  
14 notification, for example?

15 A I think the fact that we had no supervisors  
16 on the scene and we had no senior detectives on the  
17 scene, yes, I think I would like to have been notified,  
18 what do you need? Do you need any assistance? Do you  
19 need a supervisor? Do you need senior detectives, call  
20 in? Do you need other resources?

21 Well, whether I would have come in or not, I  
22 don't know. You know, I mean it's hard to go back and

---

1 start second-guessing. Some things you can see this is  
2 what I normally would do, you know. The fact that  
3 Cheryl Braun and Rolla were on the scene is one thing I  
4 would weigh in my mind.

5 I have a lot of confidence in their ability.  
6 but I think another thing that would have weighed in my  
7 mind is the significance of this case. I think at that  
8 point we probably started having enough to know that  
9 this was fairly significant.

10 Q Did Cheryl Braun ever tell you what she  
11 wanted had she gotten in touch with you?

12 A Well, notification.

13 Q Did they want someone else to come with them  
14 for the notification or just to let you know what was  
15 going on?

16 A No, just to apprise me of the situation. We  
17 have had -- you know, I think we even have a regulation  
18 in the general orders on notifying officials of certain  
19 offenses and certain crimes. Many years ago when I was  
20 a detective, I think even in our office, we had a  
21 written policy, you know, it was put out many years  
22 ago. On certain offenses, you will notify the

1 commander, you know.

2 Q And were -- did you become aware that  
3 Investigators Braun and Rolla had taken -- had been  
4 asked to pick up certain personnel and take them over  
5 to the notification?

6 A No.

7 Q And were you aware that --

8 A I mean later on, I mean --

9 Q Yes.

10 A That's what you mean, the next day?

11 Q Right.

12 A At some point, at some point, yes. But I  
13 can't sit here and tell you exactly when. I knew some  
14 people went to the house, somebody went out I think to  
15 identify the body. Even though they had an  
16 identification, I think someone still actually was  
17 taken out to identify the body.

18 Q Yes, that's right. I mean -- is that unusual  
19 or surprising to you?

20 A No. I mean -- for example, if I'm going to  
21 deliver a death notification to this gentleman about a  
22 loved one or let's say (indicating) I'm going to

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1 deliver a death notification to his wife about his  
2 death --

3 MR. IVEY: I'm not sure I like this  
4 hypothetical. I'm kidding.

5 THE WITNESS: Whatever. Do you see what I'm  
6 saying? If I could get a neighbor or a member of the  
7 clerical -- clergy maybe to be there, it would be  
8 better instead of just going in and knocking on the  
9 door and saying are you the widow Ms. Jones? No, I  
10 will take friends, take some friend of a person for a  
11 death notification.

12 It's not unusual to have someone identify the  
13 body, that's -- you have to do that. And the only way  
14 you can get around not doing it is make sure you got  
15 fingerprints and a photo ID. And a photo ID is not  
16 always 100 percent.

17 I mean you've got to have someone identify  
18 the body. It's standard, that's routine, there's  
19 nothing unusual about any of that.

20 BY MR. DARMER:

21 Q Did Markland ever tell you the reasons why he  
22 was having trouble arranging your appointment at the

1 White House?

2 A I'm sure he said something, and I got the  
3 impression that he wasn't overly upset by it. Hell,  
4 maybe it was something in his schedule in the morning.  
5 I don't know, maybe the guy says, do you want 9:00,  
6 10:00, 11:00, Pete might have said, 11:00, 10:00, I  
7 don't know. I'm sure Pete will be able to tell you.

8 But I mean I just sensed -- you know, it  
9 seemed like it was a good little time before we could  
10 get up there to do it, I felt we could have probably  
11 gotten up there a little quicker maybe.

12 Q Did he ever tell you who he was talking about  
13 -- who he was dealing with?

14 A I don't know if it was this inspector with  
15 the uniform division or someone that he knew or just,  
16 you know -- no, wait a minute, let me correct that. He  
17 could have told me, but it wasn't significant.

18 Q Did you say that you had had contacts with an  
19 assistant U.S. Attorney before you went down to the  
20 White House the first time?

21 A Yes, I think I had already gotten a call in  
22 the office that morning.

1 Q And can you tell me a little bit more about  
2 what he was asking you or what he wanted?

3 A No more than wanting to be kept apprised of  
4 what was going on.

5 Q What would be the basis for that? I mean  
6 what kind -- what jurisdiction would the U.S.  
7 Attorney's office have in a case like this?

8 A Well, if it turned out to be a crime, that  
9 would be the office that would prosecute it. We have  
10 this argument all the time with the Assistant  
11 U.S. Attorneys who is in charge of the case, some  
12 people say the police are; and when the grand jury is  
13 open, they're in charge.

14 We always have that. This is standard stuff.  
15 man, who's running the case. I mean that's not  
16 unusual. And, you know, they had a need to know. I'm  
17 sure in their own mind they wanted to know. Some of  
18 them might have been nosy, just being nosy.

19 Q Did he tell you how he found out about the  
20 case?

21 A Hell, I think it was on the news. I'm not  
22 sure, I'm just speculating, I don't know.

1 Q Once you got to the White House and you ran  
2 into Hines and Langston, did you ever -- did you ever  
3 find out how they had gotten -- how they had gotten  
4 word, how they had been asked to come down?

5 A Not really. I seem to think that -- I seem  
6 to think maybe they had been asked to come down to  
7 brief the senior staff.

8 Q Who would have asked them to come down?

9 A Someone from the White House.

10 Q And did you ever find out who they briefed at  
11 the White House?

12 A Not that I recall.

13 Q Did you ever recall reading any kind of  
14 report or memo that the chief would have written about  
15 that?

16 A I don't know that he would have written  
17 anything.

18 Q And did you say it was unusual that the chief  
19 would be -- the chief and Major Hines would be at the  
20 White House and you did not have any notice?

21 A Let me tell you what I thought was unusual.  
22 I thought it was unusual that Hines and Langston were

1 there to brief someone because I wasn't sure who  
2 briefed them.

3 Q Had they read the reports?

4 A Well, Hines normally calls. Like we had a  
5 guy that shot himself in the Lincoln Memorial the other  
6 morning, Major Hines called me and asked me to fax  
7 reports to him, he was getting all of these press  
8 inquiries. He said, Charlie, did you know this, did  
9 you know that, and I said, no. I didn't know about  
10 killing his wife in Prince William and killing the  
11 guard out in Rockville or Bethesda or whatever. And I  
12 said, no, I didn't know it.

13 And I heard someone say they heard it from  
14 the news, but I don't know it from the sense point of  
15 view. But someone had stopped by and said I just heard  
16 something on the radio. So he's getting all of these  
17 media inquiries. So he asked me to fax a report down,  
18 and that's what I did. And I'm guessing that's  
19 probably someone in my office.

20 You know, my boss, I found out later,  
21 apparently had some conversations with these people,  
22 too, talking about Hines and Langston maybe that

1 morning. I think he was on the phone with some of  
2 them. Remember, I'm tied up on this other matter, too,  
3 trying to resolve an issue that had started the day or  
4 two before.

5 Q Right.

6 A That was fairly important from an office  
7 level point of view, okay, and so this is -- there are  
8 different levels, and lieutenant levels sometimes can't  
9 go on from A to Z on to everything; you get involved in  
10 bits and pieces. Sometimes you walk by and you hear  
11 something and you interject yourself into something,  
12 and you give a opinion or you may give another director  
13 or something, and then you move onto something else,  
14 you know.

15 And -- but I will still stand by, the best I  
16 recall, I had no conversations with Hines and  
17 Langston. When I saw them there, it reminded me -- to  
18 be honest with you, it reminded me about how a narcotic  
19 lieutenant found out about a briefing with the U.S.  
20 Attorney from D.C. and the U.S. Attorney from Virginia,  
21 Northern District of Virginia on a P Street  
22 investigation, a big narcotic investigation, that we

1 were going to execute a bunch of warrants and all.

2 And we went to that briefing and Chief  
3 Langston, Major Hines showed up, and one of the U.S.  
4 attorneys, not the assistant, but the U.S. Attorney  
5 says I went to a briefing from the lead agency. Well,  
6 the U.S. Park Police was the lead agency, and if my  
7 lieutenant wasn't out, I don't know who would have  
8 briefed those people. Major Hines, I don't think he  
9 knew enough --

10 Q He didn't know enough about?

11 A He may have known about it, but he didn't  
12 know enough to brief the United States Attorney for  
13 D.C., and I'm almost sure the chief could have.

14 Q So you said your boss might have had  
15 conversations with?

16 A Major Holmes.

17 Q Major Holmes. And is he working at the  
18 facility?

19 A I'm the assistant commander. He is the  
20 commander of the criminal investigations branch.

21 Q Okay. Had he been in any of the meetings or  
22 around the office that morning when the case was being

1 discussed?

2 A I don't remember seeing him when I was in the  
3 sergeant's office. I don't remember seeing him out in  
4 the bay.

5 Q Do you all sit next to each other?

6 A It's my office, then my lieutenant's office,  
7 and his office -- it's three of them in the row, and in  
8 front of the office is the secretary and data entry  
9 people. You know, he comes in and he does his thing  
10 and I do my thing.

11 If I have something to discuss with him or  
12 brief him, I will do so. If he has an assignment or  
13 something for me, he will come into my office. I'm  
14 kind of the, you know, the operational guy.

15 Q Meaning dealing with the things within the  
16 department?

17 A Yes. I know -- he came in, he got promoted.  
18 I put in for the job, he put in for it. He made it, no  
19 background in investigations, I have the background in  
20 investigations. You just ask about anybody in the  
21 office, they think I run it, but he's the boss.

22 Q How much do you talk to him on any given day?

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1 A Well, we chatted this morning, you know. I  
2 told him I was coming down here.

3 Q Sure.

4 A I told I had this thing at 2:00 that, you  
5 know, I needed taken of, and he said he would try to be  
6 -- trying to do it, and it was an assignment he gave  
7 to me. And I needed to complete it today, and I wasn't  
8 going to be there, so I had to go back.

9 And that was one of the things at 11:00 that  
10 I had to deal with and give instructions and get some  
11 equipment out of my office and some things that I had  
12 to do. I mean we talk when it's necessary. But we  
13 don't have -- I mean he doesn't have me in his office  
14 every day.

15 This morning, for example, I walked in and  
16 sat down to say something to him, I don't remember what  
17 it was about, and he said, well, I need to give you the  
18 evaluation. We have this evaluation, and I talked to  
19 him a few minutes, and signed a thing that I'm aware of  
20 my performance level. I mean those sorts of things.

21 *Oh, I know what it was. We had a*

22 5:00 roll call this morning, we served seven or eight

1 search warrants on a big narcotic case we've been  
2 working, and he decided he would come in for the  
3 5:00 briefing, and that's why I went in to see if he  
4 went to the briefing.

5 And I saw him in his car in the office around  
6 6:30 or so when I got in, and I wondered if he actually  
7 made the 5:00 briefing, because I told him yesterday I  
8 wasn't about to make it and then come up here all day,  
9 you know.

10 Q Do you remember whether he was in the office  
11 in the morning of the 21st of July?

12 A Normally, he gets in around 8:00, and I get  
13 in about 6:30. I don't remember him being there in the  
14 morning.

15 Q Would reports filed by officers from the day  
16 before be available to him or left with him?

17 A He's the boss. Everything is available,  
18 whatever he wants, if he wants something to be given to  
19 him, that's the way it is. But the thing back on the  
20 board, the shift summary sheet we hang up there some  
21 guys fill it out, some guys don't, you know.

22 We require it, but it's not one of these

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1 things we rap someone's knuckles. If we assume there's  
2 not a thing up there, the guy or the detective or the  
3 woman or whatever is too busy and didn't get around it,  
4 or, hell, nothing happened, it's a routine night, why  
5 waste a sheet of paper when nothing happened.

6 Q If Chief Langston or Major Hines -- is it  
7 Major Hines --

8 A Yes.

9 Q -- were going to call to your unit, would  
10 they call Holmes or would they call you?

11 A Hines calls me a lot, you know. Now he may  
12 call Holmes, too, we don't discuss it. I expect he  
13 would call me, that's just a guess. I'm a subordinate,  
14 Holmes is an equal. He can direct me to do things, he  
15 can't direct Holmes to do things.

16 Q If Holmes had gotten a call while you were on  
17 some other matter from Chief Langston or Hines about  
18 this matter -- something to do with this matter, would  
19 he have come talk to you about it, "he" Holmes?

20 A Only if he had to give me some instructions  
21 or some direction.

22 Q And if Langston or Hines had called up

1 wanting to get briefed on what had happened the day  
2 before because they had to head over to the White House  
3 for a briefing, would they have called Holmes to have  
4 him fax over some of the reports?

5 A He could. My guess is, and I will tell you  
6 why I know this, that at -- they at least had the  
7 initial report, the uniformed officers report, because  
8 there was a couple -- two or three tag numbers in that  
9 report, and he released that report to the press,  
10 because I wasn't happy.

11 Q Holmes did?

12 A No, Hines.

13 Q Hines did?

14 A I believe Hines is the one that did it.

15 Q On the 21st?

16 A Yes, I believe it was the 21st. I don't  
17 know. I'll have to say I believe it was the 21st,  
18 because the tag numbers were in that report. And the  
19 reporters got a hold of those tag numbers and started  
20 calling those people.

21 Q The "tag number" meaning whoever the officer  
22 was?

1 A No, the tag number on the car, 1, 2, 3, 4,  
2 5, 6 state of. And the newspaper gets a hold of that  
3 and they have ways of finding out who owns that car.  
4 And if my car was in Fort Marcy Park and you got my tag  
5 number in the report and the reporter gets the tag  
6 number, he'll find out that I'm a registered owner and  
7 call me up, and ask what happened at Fort Marcy, and I  
8 was taking a walk and found a dead man.

9 And I know the reporters had started calling  
10 people because that report was released, so Hines must  
11 have had a copy of it because he released it.

12 Q When you left your office in Anacostia to  
13 head down to the White House on the 21st, who did you  
14 believe was in charge of the overall investigation at  
15 that point?

16 A Who was -- who did I believe was in charge?

17 Q I mean, did you feel you were in charge, was  
18 Markland in charge?

19 A Well, I felt Markland was the lead, okay. I  
20 was there for two reasons, half of the time I was his  
21 equal; I was just another investigator helping him,  
22 okay. The other times I was in the role of liaison.



1 I had the direct line to the chief, I would  
2 call and discuss things with him. I think I was in and  
3 out, what do you say, wearing both hats.

4 Q I guess to put it, you're a captain, he's  
5 not. How do you have some kind of coequal role on the  
6 case?

7 A It's easy, we both have mutual respect for  
8 our abilities. It goes on other times. I've been out  
9 with officers on other cases, not that much. We like  
10 to get out of the office, too. We like to keep our  
11 skills honed, I'm a street fellow. I told this fellow  
12 here, I'm still a working officer.

13 Q Would Markland have a problem picking up the  
14 phone and calling Langston or Hines if he needed?

15 A From a gumption or an aggressive point of  
16 view, I don't think he would. But routinely I don't  
17 think he cares to deal with those people, there's us  
18 and they're from us. They're from 2nd Force, there's a  
19 certain structure in police departments.

20 This fellow is smiling, he knows what I'm  
21 talking. There's assholes and big assholes, pardon the  
22 language, but I mean you've got to understand the

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1 family structure here.

2 Q And I want you to help me understand it.

3 A If I was Markland, I wouldn't want to talk to  
4 Langston or Major Hines. I'd talk to my captain,  
5 because if I had a captain like I'm a captain that I  
6 think I am to these guys that they're not out there  
7 humping their ass around the clock because he  
8 understands, he's been out there. These guys have  
9 probably never been out there. They're polished, you  
10 know. They're groomed for that job.

11 Do you see what I'm saying?

12 Q Once you learned that the White House was  
13 involved, did you think there would have to be a lot of  
14 contact with these guys?

15 A Exactly, that's one of the reasons I went.

16 Q That's why you were on the case?

17 A That's one of the reasons I went.

18 Q So you get to the White House with Markland,  
19 do you have any communications in the car on the way  
20 down -- on the way down with anyone in the phone in the  
21 car?

22 A I tell you I stay off the phone as much as I

1 can, and I don't pick up a police radio unless I have  
2 to, so probably not.

3 Q So what if he called you?

4 A I guess if I want to answer it, I would. I'm  
5 not required to answer, only patrol operational  
6 officers and operational people go in and out of  
7 service. I can get in a car and drive. I don't have  
8 to listen or talk on the police radio, I do, because I  
9 might have a fellow officer there.

10 I might be passing and we need some pep or  
11 something, but routinely I don't broadcast to  
12 headquarters that I'm in my cruiser, that's why we have  
13 the pager. If my boss needs me, he pages me, you  
14 know. We kind of go and come, little different than a  
15 patrol officer.

16 Q If Langston and Hines had wanted to get a  
17 hold of you about anything to do with the case, they  
18 would have paged you?

19 A The chief of police can get you when he wants  
20 you, he can get me at home, around the clock. We're  
21 required to have a pager and we're required to have a  
22 phone in our house, and they can call us any time they

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1 want us.

2 Q When you first encountered Langston, did he  
3 tell you why he was at the White House?

4 A I think Hines is the one that told me the  
5 best I remember -- you know, the best I recall now, he  
6 said something about briefing him or something. They  
7 were there for something different. I do remember  
8 knowing that we had different roles, I mean that was  
9 pretty clear.

10 I mean it was obvious anyway, but I knew the  
11 chief and the major wasn't up there investigating  
12 anything, because they weren't in the office in the  
13 morning, they didn't have all the facts.

14 Q When you say "something different," did it  
15 have something to -- it had to have something to do  
16 with Foster, didn't it?

17 A Absolutely, but a different role though than  
18 what we were playing. Hines may have even said that,  
19 we're here different than what you and Peter are here  
20 for.

21 Q Did they seem to know why you were there?

22 A I think so, yeah. Major Hines used to be the

1 commander of my office.

2 Q So they weren't surprised you were there?

3 A Oh, hell, no, absolutely not. No, not at  
4 all. You know, you know, maybe my boss had even called  
5 them and briefed them on what we were doing.

6 Q You mentioned one case just now where  
7 Langston and Hines had appeared at a briefing for the  
8 U.S. attorneys.

9 A Which surprised us, I didn't know he was  
10 going to be there.

11 Q That was a surprise?

12 A Yes.

13 Q Do you recall any other situations where  
14 senior department people were present on a case where  
15 you didn't expect them?

16 A That's really the only -- that's really the  
17 only ones I can recall. I mean it could have happened,  
18 but I don't recall it.

19 Q And Langston or Hines had never showed up on  
20 a location in any of your other investigations that  
21 you're aware of?

22 A Not that I was involved in, but I think like

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1 we have someone shot or someone shoots someone, I think  
2 -- I don't know if you saw in the paper a few weeks  
3 back someone in the task force shot and killed a guy,  
4 and I think they showed up on that. I'm not positive.  
5 I didn't show up on that; I think maybe Langston did.  
6 Someone had mentioned they thought they had seen him.

7 I will tell you what. My lieutenant shot a  
8 guy January, it was cold, and it was raining. I can  
9 remember getting soaking wet, and the chief was there.  
10 And one of the reporters called him over and asked him  
11 something, and that drives us crazy when something like  
12 that happens.

13 Q Because he doesn't know anything about the  
14 case?

15 A Because we're not ready to make a statement  
16 yet. We get to know these reporters by face and they  
17 show up on the scenes and things like that.

18 Q What exactly did you and Markland hope to do  
19 at the White House that morning, what was your  
20 objective?

21 A To go in -- well, we had a couple objectives;  
22 one is to find out who saw Foster alive last, to work

1 back, retrace his movements his last hours on this  
2 earth, which is normal or standard procedure in death  
3 investigations and also to continue with the evidence  
4 that is leading us to believe that it was a suicide, to  
5 see if we can find anything in his office that might  
6 account for the suicide, be it a note, you know, be it  
7 some type of -- well, we didn't know, you don't know  
8 what might have been there, you know.

9 Hell, he could have written -- he could have  
10 had a diary. I mean he could have had any number of  
11 things. I mean all of us have something.

12 Q So this is the -- are these the same things  
13 that you look for in any situation where you have a  
14 violent death and you might have a suicide on your  
15 hands?

16 A Right.

17 Q Or was this -- or were these particular to  
18 this case?

19 A Listen, we were not trying to do anything  
20 different than we had done on any other case. We were  
21 trying to follow the same standards, the same  
22 procedures that we do on any other case.

1 Q So when you arrived, I think you mentioned  
2 that you had trouble getting the answers that you  
3 needed. So can you tell me again who you talked to,  
4 who you and Markland talked to in trying to do what you  
5 wanted to do there that morning?

6 A We first got there, we met with this  
7 inspector, and I know Pete will know who he is. I'm  
8 sure his name is in his reports, and I can tell you if  
9 it is him or not.

10 Q It was a Secret Service?

11 A A uniform inspector that was only briefly  
12 involved with us for a short period of time, and then  
13 this guy Brodino took over, and this guy Flynn, these  
14 two people we worked with mostly.

15 Q From the Secret Service?

16 A Right.

17 Q Would it have been Inspector Woltz?

18 A What is it?

19 Q Woltz.

20 A No. If I heard his name, I'm pretty sure I  
21 would recognize it, but it wasn't that. He was in  
22 uniform, and he may have been like in a temporary

1 position as the guy that was in charge or whatever.

2 Q The guy in charge of?

3 A I guess the senior official on duty running  
4 the White House security, I guess, or at least a  
5 uniform -- see I'm not sure I understand it, because we  
6 had these two guys with us at the time, Flynn and  
7 Brodino; one was in charge of like the presidential  
8 side, and one was in charge of the security side or the  
9 White House or the facility side, you know. I don't  
10 quite understand all the structure.

11 Q And they didn't explain what their role was  
12 to you?

13 A They probably did, but what the hell do I  
14 care, I wasn't interested. If it had nothing to do  
15 with the Foster suicide, I had enough going on. I  
16 still had the guy from Virginia paging me, I didn't  
17 care, to be honest with you, I didn't care.

18 But, you know, they assisted us the best that  
19 they could, you know. They let us use the office  
20 almost like a little command post there, I'm on the  
21 phone with the chief and the guy Heymann and people  
22 like that.

1 Q Did you make any calls -- when you got there,  
2 did you immediately get put into a room and did you  
3 start making phone calls?

4 A No. We went into what I call -- I think I  
5 referred to it's a west wing when I was talking to  
6 Glenn, sofas and chairs and things in there, and we  
7 just kind of hung out there. And when the chief and  
8 Hines had come back and he mentioned Hines -- Hines  
9 mentioned the FBI to me, I think I may have -- I used  
10 the phone that was on the wall I think or maybe it was  
11 on a table.

12 But there was a phone that I was able to  
13 use. But, you know, it's -- they said you had to dial  
14 something to get out, you know, that sort of thing.

15 Q Who were you trying to call?

16 A I probably could have called the FBI from  
17 there, but I'm not really sure and maybe someone had  
18 paged me or something again and, you know.

19 Q Why would you have called the FBI then?

20 A Because Hines said when the FBI gets here.

21 Q Okay. And that's the only thing he told you  
22 about your -- what you were trying to do there?

1       A    He says you'll be able to get in, meaning get  
2 into the room when the FBI gets here, that's the best  
3 of my recollection.

4       Q    Were you surprised that he had information  
5 about what you were there to do?

6       A    No, no, I wasn't surprised.

7       Q    And did you ask him any follow-up questions  
8 about that?

9       A    Not at that point; later I did, because I was  
10 starting to get a little upset.

11      Q    But at this point you just took what he said?

12      A    Well, yeah, because I had nothing else, that  
13 was the best thing I had.

14      Q    And you picked up --

15      A    It's not my place for a captain to sit down  
16 and interrogate a major, you know, maybe I would like  
17 to do it sometime, but it's not my job.

18      Q    Sure.

19      A    He said when the FBI gets here or something  
20 to that effect.

21      Q    Did he tell you anything about why the FBI  
22 had to be contacted?

1       A    I don't know that he did, but my general  
2 sense or feeling of things was that probably could have  
3 come out of this meeting upstairs, it had something to  
4 do with that perhaps.

5       Q    Did you have any -- did you have --

6       A    Let me put it this way, I sensed that  
7 somebody had made that decision, it wasn't Major Hines'  
8 decision at the FBI. It still had been Fort Marcy and  
9 the National Park. And as far as I know, we still had  
10 jurisdiction. I didn't see anything that changed that,  
11 you know.

12      Q    All right. Did you know why -- what  
13 jurisdiction the FBI would be involved in this case?

14      A    At that point, you know, the only thing I  
15 could figure out was maybe -- I hadn't really thought  
16 about it to be honest. Maybe I'm looking back in  
17 retrospect now. You know, we've handled cases.

18           We've handled a murder that occurred on  
19 federal property off the Baltimore/Washington Parkway,  
20 and one of the FBI agents and supervisory agent came  
21 over to our office and just asked to get a briefing on  
22 this case because they had -- well, I had one

1 congressman that had called me about the case, because  
2 this guy was well to do. He was a well-known  
3 businessman in the community.

4 And the FBI was assured that we were  
5 investigating and that we were going to do a good job,  
6 and if we needed any assistance, we would ask them;  
7 otherwise, get off our beat and we have jurisdiction,  
8 and we'll investigate it.

9 And we did end up -- the FBI helped us, but  
10 we closed the case. So, you know, it's not one of  
11 these things that -- you know, I suppose if my chief  
12 called me and said, okay, Charlie, close your  
13 investigation out, a good example, the ATF agent guy  
14 shot a few days ago, I don't know if you saw that in  
15 the paper, we had a couple narcotic guys on that.

16 So we started an investigation of the agent  
17 getting shot a few days later, because of the various  
18 things later we closed the case, turned it back over to  
19 them. We got out of it; I made that decision. But now  
20 if the chief called me and says, Charlie, we're not  
21 going to investigate that homicide off the  
22 Baltimore/Washington Parkway anymore, give it to the

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1 FBI, turn anything over to them, what the hell is going  
2 on, chief, I'd probably say.

3 And chief this is this or whatever, and if he  
4 said do it, I will do it. And we put it to the file,  
5 and I would say on the line, turn it over to the FBI,  
6 the date and time per the chief. And we put it away.  
7 We've got other cases. We don't have to fight for the  
8 cases, we can go on to something else.

9 Q How many cases have you been involved in  
10 where you request assistance from the FBI?

11 A What kind of assistance are you talking  
12 about, any kind? Because we use the FBI lab. We send  
13 evidence to the FBI lab all the time, but where we need  
14 -- we went down to Norfolk to serve and arrest  
15 warrants, we asked the FBI if we could use their office  
16 to stage in, okay, but when we knocked the doors in, we  
17 didn't ask the FBI to go with us. We took our own SWAT  
18 team down there. It depends.

19 Q I guess what I'm trying to get at, you said  
20 at this point, correct me if I'm wrong, you believe  
21 that the Park Police had jurisdiction over this  
22 investigation?

1 A Right.

2 Q And you and Markland were there to pursue --

3 A Right.

4 Q -- that investigation?

5 A You know the old thing, what is -- possession  
6 is what percentage of ownership or --

7 Q 9/10.

8 A We had the crime scene, didn't we? We had  
9 the evidence, what was the problem? It was our case,  
10 you know.

11 Q If another law enforcement agency was going  
12 to get involved or take part in an investigation, how  
13 would that come to you, how would you learn about that?

14 A If another law enforcement --

15 Q In a given case, if the FBI was going to be  
16 brought in as another --

17 A I'm sure the chief would tell me or my boss  
18 would, somebody higher authority than me would, because  
19 if I tell -- if I told my guys I was turning the case  
20 over to FBI and we were doing a good job or we were  
21 handling it, they would be pissed off at me, they would  
22 not be happy.

1 Q Sure. So what did you tell Major Hines when  
2 he said you can get in when the FBI gets here?

3 A I don't know if I thought a whole lot about  
4 it to be honest with you. Maybe they wanted the FBI,  
5 and they wanted us to handle the White House part of  
6 the case, and that is something we wouldn't have  
7 jurisdiction to have.

8 And, you know, at that point, you know, I  
9 don't know if Pete -- we already were saying it to one  
10 another, I think we had, because I remember the theme,  
11 I told him, here we were waiting to get permission to  
12 do our jobs. It was a simple task, interview a few  
13 people, go in and see if there was anything in there  
14 that was relevant to the investigation, you know. We  
15 didn't see all that big a deal, and I'm not sure that  
16 this day that I still see it.

17 Q But you weren't able to do it?

18 A That's right. That's right.

19 Q And how long did you stay there waiting to do  
20 what you were there to do?

21 A We waited two days up there, two days.

22 Q When did you finally get in touch with the



1 FBI or the FBI get in touch with you?

2 A Well, like I said, it was either before or  
3 after lunch, because we were finally face to face  
4 sometime after lunch, because we were all in that room  
5 over in the Executive Office Building.

6 Q By the way, did you try to reach Hines or  
7 Langston during the lunch hour when you left to go back  
8 to your office?

9 A I don't recall anything, because we were on  
10 kind of a tight schedule. It was like when I left here  
11 today, I had to take care of something. I grabbed my  
12 sandwich, like I said I'm a brown bagger, so I grabbed  
13 my sandwich out of the refrigerator, and I'm eating the  
14 sandwich giving one of my clerks some instructions on  
15 how to handle a matter.

16 I've got two sergeants in the office, we're  
17 discussing some things. I've got a phone call, the  
18 sergeant said, captain, leave it alone, I'll take it.  
19 And so he answered my private line where it rings just  
20 in my office, and it was some guy calling, he got his  
21 door knocked in this morning on a search warrant, and  
22 the sergeant says, captain, you don't have to handle

1 this.

2 The guy was calling and complaining he got  
3 his door knocked down, you know, and they had a valid  
4 court warrant, but he wants to complain anyway. So  
5 believe me, I didn't want to call Hines or Langston,  
6 probably I wanted to eat my lunch because we had to get  
7 back up there.

8 Q Did they leave to go -- when you left for  
9 lunch, did you know whether they had left the White  
10 House or the White House grounds?

11 A Yes, because they left before we did. I mean  
12 they left that building. Now where they went when they  
13 went out the door, I don't know. But we were left  
14 there. While we were there, that's when -- who I  
15 believe to be this woman Maggie Williams and  
16 Nussbaum --

17 Q Nussbaum?

18 A -- came down and Pete said something, some  
19 line of questioning like, you know, indicating we  
20 wanted to get up to go through the room, and Nussbaum  
21 said where's the Justice Department, well, is Justice  
22 here yet, are the Justice people here, and Pete says,

1 no, did you call them, or Nussbaum said, no, we didn't  
2 call them; he said, you're supposed to call them.

3 Well, we never got that instruction.

4 Q Did you understand that Nussbaum or this  
5 woman, whoever she was, had been in the briefing with  
6 Langston and Hines?

7 A That I have since come to believe that it was  
8 Maggie Williams. Did I know if she was in the briefing  
9 with Hines and Langston? Stephanopoulos is the only  
10 one that I have reason to believe was in that meeting.

11 Q Why is that?

12 A Because Hines says something to the effect  
13 he's the only one that understood something or seem to  
14 understand the politics of this thing or something or  
15 made the most sense or something like that, maybe he  
16 said something along that line. I can remember Hines  
17 making that statement.

18 Q Do you believe that Hines and Langston were  
19 upstairs briefing White House personnel on the Foster  
20 case?

21 A Yes, I do.

22 Q Okay. So Nussbaum -- you run into Nussbaum

1 in the White House, and he says -- he makes his  
2 reference to Justice?

3 A Yes, some conversation -- yes, like we should  
4 have known what was going on.

5 Q What did you say to him, and did you tell him  
6 why you were there?

7 A I didn't say anything, Pete said it.

8 Q What did Markland say he was there to do?

9 A You know, I don't remember the exact words,  
10 but the conversation was something like that, we're  
11 here to get in the room to look for any evidence and we  
12 maybe said about interviewing people. I don't know.

13 It was a two-fold thing as far as being  
14 there, I remember Justice Department -- well, where is  
15 Justice Department. Nussbaum, he's a very hyperactive  
16 individual, you know. Remember I told you he burst  
17 through that door, maybe some of that is his  
18 personality, I don't know.

19 But, you know, I can almost visualize him  
20 kind of looking around, where is Justice, is Justice  
21 here or something like that, you know. And I think  
22 Pete said, no, did you call them, or I don't know who

1 asked, but I think that question may have been asked,  
2 you know. Pete may be very clear on this.

3 Q Sure. But you don't recall any specific  
4 names being mentioned in that conversation, any names  
5 of FBI people or Justice people or anyone else?

6 A No, I can remember somebody, you know, these  
7 people like appeared out of -- I don't know where they  
8 appeared from. Somebody is introducing somebody, you  
9 know. I may still be talking to the Secret Service guy  
10 or somebody else.

11 I mean we didn't know this guy and this woman  
12 was going to appear. We didn't really know what the  
13 hell was going on, to be honest with you. The only one  
14 we made our thoughts clear to was that Secret Service  
15 guy that we wanted that room sealed. I told Pete to  
16 note the time and we wanted to get up there.

17 Q Did you tell Nussbaum that you wanted the  
18 room sealed?

19 A No, no.

20 Q Did Markland tell him that?

21 A I don't believe so, and the reason I say that  
22 is the Secret Service guy came back to us and said

1 someone has been posted at the room, an agent or  
2 someone had been posted at the room.

3 Q Did he tell you from what agency, who had  
4 been posted at the door of the room?

5 A No, but I mean obviously if this inspector  
6 from Secret Service has assured us that it has been  
7 done, I would have to assume it was -- only assume that  
8 it was a Secret Service agent.

9 Q Did you ask to visually see how the room was  
10 secured?

11 A No, we're not up there; we're downstairs.

12 Q Right. But did you ask to go up and see  
13 that?

14 A No.

15 Q So what happened after the conversation with  
16 Nussbaum?

17 A He and whoever this woman was went back,  
18 perhaps got back on the elevator, I don't know. I  
19 think Pete and I hemmed and hawed a little bit and  
20 decide to screw it and let's go get lunch, we'll come  
21 back after lunch. And I might have had a commitment  
22 already, I'm not sure, someone from the FBI would meet

1 us up there after lunch. See, I'm not real clear on  
2 that.

3 Q So do you recall whether you had reached them  
4 by telephone?

5 A No. I think I may -- I remember using the  
6 phone when I was there, okay, but I don't remember if I  
7 had gotten through to them or not.

8 Q And who would you have called, who would you  
9 be calling at FBI?

10 A Well, I'll tell you who I called if I  
11 remember. I think I asked for the -- I think I asked  
12 for Jim DeSarno.

13 Q Who is that?

14 A I met him, he's the assistant SAIC, he would  
15 be on my level.

16 Q For the record, what is the assistant SAIC?

17 A That is assistant special agent in charge. I  
18 thought he was kind of on my level, the rank structure  
19 is the second in charge would be the major, the special  
20 agent in charge would be in charge of all the  
21 investigations and all the investigators and the  
22 assistant would be like myself.

1 And I had met him before, so I could ask for  
2 him by name, and that's why I asked. And they said,  
3 maybe he wasn't there or he was busy or whatever. So  
4 then I may have explained my situation to the clerk or  
5 the secretary or agent or whomever.

6 Finally, they got me in touch with like a  
7 supervisor, I guess like a sergeant or a lieutenant or  
8 something, and I think his name was Dana Gillless, but  
9 I'm not positive, and told him what was going on. He  
10 said hey, captain, we will be glad to assist you, I've  
11 got a couple of guys out there now maybe when they come  
12 back from a bank robbery or running down some leads or  
13 something.

14 He said I will get those guys to come by, and  
15 those guys did come by, and so did he. And then he  
16 cleared, you know -- I guess we briefed him real quick  
17 on what was going on, this guy Dana Gillless, if that  
18 was his name, I know it was Dana, I think he cut out  
19 and he left.

20 Q But they came by in the afternoon?

21 A Yes, it was after lunch. We had lunch at  
22 this point.

1 Q And who from the White House was present when  
2 the FBI arrived?

3 A Just -- I don't know if it was -- it was  
4 probably Flynn, and I don't know if Brodino was out or  
5 not; strictly Secret Service people. We were over in  
6 the EOB. I think we met all of them over in the Secret  
7 Service office.

8 Q No White House personnel?

9 A No, no.

10 Q And when the FBI people arrived, did you  
11 discuss again -- did you explain to them what you were  
12 trying to do and what you were there to do?

13 A I'm sure we did. I'm sure we all discussed  
14 this thing, you know.

15 Q Did you tell him that you wanted to have the  
16 office sealed?

17 A I think we had already told them we had it  
18 done. But we learned later, you know, that Nussbaum  
19 had done that. He had taken it upon himself to do it  
20 like around 10:00 something I think.

21 Q 10:00 in the morning?

22 A Yes.

1 Q Did you know why he did that?

2 A I guess he's finished, didn't need to do  
3 anything else; that's an opinion for the record, he  
4 asked me. So I don't know, I have no idea.

5 Q Why did you want the office sealed?

6 A So if there was any evidence in there, it  
7 would still be in there when we got in there. So I  
8 guess the official thing, you know, you don't get it  
9 contaminated, you know.

10 If there's anything in there with other  
11 people handling it or -- I mean just like any other  
12 place, we would want to look for evidence.

13 Q So in an ordinary death case, would you seek  
14 to have -- in an ongoing investigation, would you seek  
15 to have the office of the individual sealed until you  
16 could pursue your investigation?

17 A We would have to take each case by case. I'm  
18 not sure I can sit here and give you a definitive  
19 answer. After this case, I might, you know; it  
20 depends.

21 Q What was --

22 A I mean here's -- we still have this at this

1 point at this stage in the investigation, we got this  
 2 highly successful person, in our opinion -- in my  
 3 opinion, and I think in all of our opinions that, I  
 4 know, you know, it must be something unusual, you would  
 5 tend to sense that. You know, some of those things  
 6 that we didn't know yet, you know, about him with the  
 7 depression and his doctor and carrying -- I'm not even  
 8 sure at that point that we knew about the three  
 9 doctors; we could have, now I don't know. But I don't  
 10 remember dealing with that until later.

11 Q But was there anything else specific about  
 12 this case that made you want -- made you think that the  
 13 office should be sealed?

14 A I'm sure it was, but you know it's hard to  
 15 sit here and put my finger on it, because, you know  
 16 I've got to go back and get my mind in a mind frame and  
 17 all the things that was being said around me, you  
 18 know. You know, I can tell you one thing for a fact, I  
 19 didn't know anything about Whitewater.

20 There was no suspicion there might be  
 21 Whitewater files in there, I can make that very clear.  
 22 But, you know, there's something about government, high

1 government officials, you know. I mean I grew up  
 2 during the Kennedy years and the Kennedy  
 3 assassination.

4 I just entered an international homicide  
 5 seminar out in Arizona the previous fall, and we had a  
 6 guy that worked on the -- I think it was the senate  
 7 select subcommittee or something on the Kennedy  
 8 assassination that was a technician on the Metropolitan  
 9 Police Department he gave us a presentation, and he  
 10 labeled it a simple homicide, he laid it out. There  
 11 was no conspiracy in his mind.

12 And what all the evidence showed in all these  
 13 -- Oliver Stone made these movies and the stuff he  
 14 laid out there, this guy had the real truth and he  
 15 presented it to us from a police investigator's point  
 16 of view, you know. And I guess based on a lot of  
 17 things that we sensed that if there was something in  
 18 there that would be embarrassing, I guess we wondered  
 19 if it would still be there; if we would have access to  
 20 that.

21 I can't sit here and say, well, you know,  
 22 just because it was the White House that we thought

1 something might be done, maybe -- I mean this could be  
2 over at the State Department or it could have been over  
3 at the CIA, you know, we might have felt the same  
4 thing.

5 Q You mentioned you didn't think -- you didn't  
6 assume that there were any documents about Whitewater  
7 in the office, but did you know what Whitewater was at  
8 the time?

9 A I'm not sure how I said that. What I'm  
10 telling you is I can tell you for a fact that I did not  
11 suspect that they're going to remove Whitewater files  
12 because I knew nothing about Whitewater.

13 Q Did you know anything about Whitewater or  
14 Capitol Management or any --

15 A No, no.

16 Q Okay.

17 A Absolutely nothing.

18 Q Okay. When --

19 A But, you know, suicide, you know -- also  
20 remember I didn't live during this time period, but I  
21 certainly knew about people that lived during that time  
22 period. You know, my parents would have all been that

1 age during the Depression. I knew people that lived  
2 during the Depression, and I knew there was many  
3 suicides during the Depression because of financial  
4 disaster.

5 And I know from my training that that also  
6 can be one of the things that cause people to commit  
7 suicide.

8 Q How would you ordinarily investigate whether  
9 financial concerns caused or influenced a suicide?

10 A Look at books, talk to people, a lot of times  
11 relative and friends know it. I mean I went down to  
12 Fredericksburg to buy some furniture at Gallahan's  
13 Furniture Store. If you saw The Washington Post the  
14 last few days, this is a huge store, my coworkers said  
15 if you want furniture, go down there. They got great  
16 selection, the price is good.

17 So I go down there, and there's a note on the  
18 door, huge warehouse, is closed until further notice.  
19 I tell my friend the IRS man must be here. I mean  
20 "until further notice," come on, give me a break. I  
21 mean normally you say will reopen after vacation, you  
22 know, in one week or temporarily closed due to

1 structural damage until further notice.

2 I've been a cop too long. Remember what I  
3 told you. So I drove around back where it said, do not  
4 enter, employees only, and I asked one of the truck  
5 drivers. And from his reaction, he was just told to  
6 haul this stuff down to Richmond and put it in  
7 storage. The IRS man is heading in here, and there is  
8 some things that you sense or that you feel.

9 And now what was your question?

10 Q So how do you try to figure those things out,  
11 how do you try to determine those things?

12 A Life experiences, plus training.

13 Q What would you ask people to find out, for  
14 example, if you wanted to find out if someone was under  
15 financial distress?

16 A Well, if you're married, I'd ask your wife.

17 Q What would you ask her?

18 A Are you all having financial problems; some  
19 people will be very honest about that, others may try  
20 to hide it and cover it up. You just keep probing, you  
21 look for documents, you ask other friends.

22 Q What kind of documents would you look for?

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1 A Bank records, financial dealings, what kind  
2 of financial investments has this person had, is he  
3 about to lose his house, you know.

4 Q Check public records?

5 A Sure, sure. If it was -- we felt we had a  
6 criminal investigation or we thought we needed  
7 something, you know, then we could also take that to  
8 the U.S. Attorney's office and try to get subpoenas or  
9 whatever we need, the grand jury directives or  
10 whatever, you know, to assist us in our investigation.

11 Q Would you ask business associates whether  
12 someone had been experiencing financial distress if you  
13 were trying to find a motive for suicide?

14 A Sure, that's one of several possibilities,  
15 yes.

16 Q How far do you generally go or what kind of  
17 range of questions do you ask in death cases that you  
18 think might be suicides? What's the -- is there any --  
19 is there any standard, series of questions or standard  
20 areas you try to go into when it's a suicide case?

21 A Well, you know, like I said, I mentioned a  
22 homicide seminar I had been to. I've been to another



1 one, homicide training, and one of the manuals they  
2 gave us, the various societies that deal with suicide  
3 and psychological problems and different things like  
4 that have come up with a list of items, and I don't  
5 have those with me. And I don't remember them.

6 But I do recall one of them, the person picks  
7 a place where he's least likely to be interrupted in  
8 the act of commissioning suicide, well, obviously Vince  
9 Foster fits that, that's an example. I'm trying to  
10 answer your question.

11 Q Sure.

12 A I mean we look for suicide notes. There's  
13 not always -- I forget what the percentage is, but  
14 there's not always a note in suicides. I think they've  
15 come up with a percentage, and I think it's like in my  
16 training manual.

17 Q And are they often found at the office or at  
18 the home or --

19 A Different places, different places, sometimes  
20 in the mail. We handled one maybe two or three years  
21 ago, he mailed it to the girl what he thought was his  
22 girlfriend, and she sent it to us. And, you know, it

1 didn't say I'm going to kill myself, but it says this  
2 letter will precede me or something like that.

3 And then he had a little nursery -- he had a  
4 little song in there that says he was a soldier, and he  
5 says we all fall down. I mean there's a lot of  
6 messages there. For example, we put together a  
7 training or a guideline manual on death investigations,  
8 and in that manual one of the things that we told our  
9 investigators to look for is not always just a suicide  
10 note, but sometimes a Bible.

11 People put a Bible up on the dash, for  
12 example, or rosary or rosary beads in their hands.  
13 There's other things other than I am now committing  
14 suicide that are things that you look for.

15 Q Sure, right. Is that guideline manual  
16 something that's available to all of your detectives or  
17 investigators?

18 A Right. I just issued that yesterday.  
19 Mr. Foster helped us to get that out unfortunately.

20 Q Very timely.

21 A Yes. Let me explain something to you,  
22 though. Every investigator that comes into our office,

1 I assure you that since I've been there -- as soon as  
2 they get in, they come in for 120 days, we look at you,  
3 and then once they make an investigator status, they go  
4 to a sex crime school and a death investigation school  
5 and homicide school, whatever you want to call it,  
6 death investigation school, and also they go to  
7 criminal investigator's school in Georgia for either a  
8 five- or eight-week school, that's what you can expect  
9 as a new investigator in the first year.

10 Now sometimes that can be within the first  
11 six months or the first 12 months, or it can go past  
12 that, because we don't control the budgets or the slots  
13 in those schools. But what you learn in those schools  
14 is what you're supposed to do and -- but now we put it  
15 in the manual, because everyone says where's your  
16 manual, so we just wanted to formalize it.

17 Q What are the kinds of things the manual says  
18 you ought to do?

19 A In a suicide?

20 Q In a suicide. Does it break it down by  
21 suicide versus death investigation?

22 A The way we wrote it. I had one of my senior

1 detectives work on it. The way it says now is -- this  
2 wasn't in place when -- this particular manual, I'm  
3 referring to, was not in place when Mr. Foster's death  
4 occurred; okay?

5 Q Yes.

6 A We have a general overall type perspective or  
7 a little section, I guess that you'll do on all of  
8 them, then we break it down, homicide, suicide,  
9 accidental death. You have different topics and we  
10 break it out into different things, there's a suicide  
11 note, how you handle it, how you preserve it, if  
12 there's a vehicle involved, how you handle it, things  
13 like that.

14 And there's a section in the booklet, visit  
15 the work site, go into the office without disrupting  
16 the total --

17 Q Operation?

18 A The operation or go to their home, to their  
19 office.

20 Q And what kinds of things would you look for  
21 at the home? Does the manual suggest what you might  
22 look for and ask around?

1       A    I believe it does, you know. I don't -- I've  
2 reviewed it a couple of times and, obviously, I issued  
3 it and, you know, said that will be our policy, you  
4 know. And I've had my lieutenants review it and so  
5 forth, yes.

6       Q    Captain, in your years, how many suicide  
7 investigations have you been involved in or death  
8 investigations that became -- that turned out to be  
9 suicides?

10      A    I don't know if I can give you an exact  
11 number.

12      Q    Just a range.

13      A    Let me just give you a general -- I think I  
14 can say we probably handled about 50 death  
15 investigations a year that occur. Now some of those  
16 are motor vehicle accidents. Some are accidental.  
17 Some are homicides. Some are suicides. Some are  
18 natural causes, you know, heart attack, things like  
19 that.

20           How many of them that turn out to be a  
21 suicide, I would say other than the motor vehicle  
22 accidents, you know, I have a breakdown, a couple of

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1 years in my files that I worked up, and I've had my  
2 supervisors pull the cases and do the stats.

3           This had nothing to do with Mr. Foster's  
4 death, this was something to do before that. But when  
5 I came in three years ago, this is the first time I had  
6 been a manager in major crimes, I ran an internal  
7 affairs unit for several years, and I've done a lot of  
8 investigations.

9           I've managed a lot of investigations. But I  
10 wanted to get a handle on what we were doing in that  
11 office from a management perspective. And I would --  
12 my guess would be right now out of all the four, five  
13 different classifications of deaths, suicide probably  
14 is the greater number.

15           Now how many that we -- how many that we  
16 thought were homicide turn out to be suicide or --

17      Q    I was just trying to get a general -- I want  
18 to find out what you've worked on. You've personally  
19 worked on suicide cases before, right, you've worked on  
20 cases that involved suicide?

21      A    As a manager, yes; as a manager, yes.

22      Q    In your experience, does your investigation

1 usually determine some reason or some basis?

2 A Oh, yes, a lot of times, the girlfriend or  
3 the wife is cheating, a lot of times, you know, the  
4 love/hate type reason, a lot of times where people have  
5 just given up on life for a lot of reasons, you know,  
6 usually most of them are pretty -- when I say pretty  
7 clear cut, I mean those classical things of depression,  
8 hopelessness, usually.

9 For example, in the one at Lincoln Memorial  
10 Circle, you know, they were separated. The guy had  
11 problems, you know, the current one that I'm talking  
12 about that was in the paper this week.

13 Q And you determined the basis for or the  
14 reasons that someone might commit suicide by talking to  
15 friends and associates?

16 A Absolutely.

17 Q Right.

18 A Right. In combination with any note that's  
19 left or any sign that's left or any other physical  
20 evidence that would tend to support that.

21 Q Did you know that none of the people who were  
22 present at the notification could offer any reason why

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1 Mr. Foster might have taken his life?

2 A You mean when Cheryl Braun and Rolla went to  
3 the house that night, do I know if anyone was there?

4 Q No. Did you know that no one could have  
5 expressed any reason why he would have taken his life?

6 A I will tell you what, I want to say until  
7 that one lady that Pete Markland had spoken to called  
8 him back in that or what caused him to come back to  
9 speak to her, she says, you know, Mrs. Foster or one of  
10 the children said how is he today, that may -- the lady  
11 I interviewed made it sound like, it was -- you know,  
12 everything was fine.

13 I mean the 20th was no different than the  
14 19th or any different day, came in, did his job, went  
15 home.

16 Q Does that strike you as somewhat unusual?

17 A Yes, yes. I think in their own mind we may  
18 have started formulating that they wanted to downplay  
19 this thing, you know. If this person is in the White  
20 House, is one of the president's advisers or more or  
21 less counsel, the White House attorney, that if he's  
22 having emotional problems and problems with depression,

1 there's still a stigma on that. I think most of us  
2 would tend to hide that and want to keep that away from  
3 the public or colleagues.

4 Q But did you determine through your  
5 investigation that --

6 A But I would certainly tell the police. I  
7 want to add that, there comes a time and a point  
8 sometimes you got to lay the truth out there, you know,  
9 and some people do. And they don't have to be that  
10 educated and have that higher position.

11 Q In the -- in the interviews that you  
12 conducted in this case, did you find that people were  
13 forthcoming and trying to --

14 A I thought Mr. Beryl Anthony was very  
15 forthcoming. I thought, you know, because he mentioned  
16 about the attorneys that Mr. Foster had, because  
17 Mr. Anthony said he was a little surprised because  
18 Mr. Foster usually kept his own counsel.

19 Q Did he mention specific attorneys that he  
20 might have recommended?

21 A I think he had asked his secretaries maybe to  
22 try to find out some information for us, like the date

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1 or something. He sent the names over, but I don't  
2 recall ever getting those specific names.

3 Q And he didn't have any correspondence or  
4 letters or anything that he might have sent to  
5 Mr. Foster?

6 A He left us in the office and he went out, and  
7 either he couldn't find it or he decided maybe it would  
8 be best that he didn't do this. I mean he is an  
9 attorney and he is an ex-congressman.

10 Q That he is.

11 A So, you know, I felt he was very forthcoming  
12 because he mentioned about other people having problems  
13 with depression in the family. It looked like to me he  
14 was doing the right thing that any of us would want to  
15 do, to get the truth out, to get the police to help the  
16 police resolve this matter.

17 I sensed that he was forthcoming, and I  
18 didn't sense that in a lot of other places such as with  
19 the people at the White House, but I did with  
20 Mr. Anthony. I sensed that he wanted to be very  
21 helpful to us. He was very polite to us and very  
22 courteous to us.

1 Q Who was present at that interview, do you  
2 recall?

3 A Mr. Anthony, he didn't need an attorney.

4 Q And was Mr. Rolla present?

5 A John Rolla and myself, it was just the three  
6 of us in that room, and we had a very nice conversation  
7 and interview with him.

8 Q Do you remember about when you talked to  
9 Mr. Anthony?

10 A No, but we made a report of that. John wrote  
11 a report, I'm pretty sure, and the date's on that  
12 report.

13 Q Do you recall whether it was sooner after the  
14 death or later?

15 A I think it would be soon as opposed to  
16 later.

17 Q But you don't remember? If I told you it was  
18 eight days after the death, would that surprise you?

19 A If you said it was eight days, I wouldn't  
20 have any problem with that. I mean, you know --

21 Q Did Mr. Anthony try to contact any Park  
22 Police personnel in the period between the notification

1 and the time you finally interviewed him?

2 A You know, like when I was out of the office,  
3 I'd come back in and there would be notes up there, and  
4 Pete is getting notes and other people are getting  
5 notes. Hines and Langston may be calling over  
6 something. It was really hard to keep track, believe  
7 it or not, a lot of things were going on.

8 Q I believe it.

9 A It's summertime. I mean we're busy right  
10 now, we're not, you know, investigating the Foster type  
11 case, you know.

12 Q Do you remember having a hard time scheduling  
13 interviews with family, friends of Mr. Foster?

14 A Oh, yes, absolutely. We didn't talk to that  
15 many, but even those few, it was a difficult case, yes.

16 Q Difficult because they made it difficult to  
17 schedule?

18 A Well, I mean I can drive up to your front  
19 door and knock on the door. I can't drive up to the  
20 White House and knock on the front door, you've got to  
21 get through security. I mean there's a lot of things  
22 here that's difficult, I mean, you know.

1 Q Sure. I want to take you back where we left  
2 off at the White House when the FBI people arrived,  
3 because I still have some questions about that.

4 When the FBI people showed up after lunch at  
5 the White House, were you clear that the Park Police  
6 were still in charge of the investigation?

7 A Yes, because the supervisor Dana Gilles --  
8 Dana, I think it's Dana Gilles, when he got there, we  
9 chatted back and forth, talked about the case. He  
10 basically said I'm out of here, you guys got it, you  
11 know, we'll assist you.

12 I think at that point in time it was very  
13 clear to the FBI that was to assist us and only there  
14 for that, because I called them, I called them.

15 Q Did they indicate they had spoken to any  
16 other agency before they came over to the White House,  
17 DOJ, for example?

18 A I'm not clear on that. I'm pretty sure  
19 though that I'm clear that basically we had the case.  
20 They were there to assist us, because the supervisor  
21 took off.

22 Q And then what happened?

1 A I guess at some point I called  
2 Chief Langston --

3 Q Who was back --

4 A -- back in his office --

5 Q -- at headquarters?

6 A -- at that point or maybe Hines. There was  
7 some conversations back and forth, and I remember the  
8 one conversation.

9 Q What were the conversations about?

10 A With Langston about what was going on.

11 Q Or what was not going on?

12 A We're still sitting here. We're still not in  
13 there, and that's when Langston mentioned about this  
14 conference he had been at in about June, and I remember  
15 him saying that I was at some kind of seminar  
16 conference and Janet Reno had said -- I guess it was  
17 all police chiefs maybe, and she said if a chief calls  
18 me, I will return the call.

19 Q Did Chief Langston seem surprised or  
20 dismayed, or did he have any reaction to what was going  
21 on when you called him?

22 A I've never able to read his reaction to

1 anything. I don't notice anything. He said he was  
2 going to call the Attorney General, I mean that tells  
3 me it is a reaction, I mean.

4 Q But he didn't -- he didn't tell you anything  
5 more about what he had been talking to people at the  
6 White House that morning or how this might have --

7 A No, I don't think so. I don't remember  
8 anyway. Are you going to interview him by the way?

9 Q I hope so.

10 A Good, I hope so, too, maybe he can clear up  
11 some of these things.

12 Q So he tells you that he's going to get on the  
13 phone and call Janet Reno?

14 A Right.

15 Q Did you wonder, did you ask him about that?  
16 Did you think he was serious?

17 A Oh, yes. Oh, yes. He's the chief, you  
18 know. I mean, yeah. I mean I would never even thought  
19 that he was serious or not.

20 Q Had you thought about calling the Department  
21 of Justice?

22 A No, no.

1 Q Why would the Department of Justice be  
2 involved?

3 A Because the White House wanted them involved,  
4 I mean, obviously from Nussbaum's reaction.

5 Q Had you relayed that to Langston that  
6 Nussbaum said I thought you guys were going to call  
7 Justice?

8 A I don't remember now; I may have. I may have  
9 told him when you left Nussbaum came down and we had  
10 this conversation, and the FBI is here and, you know,  
11 yes, I could have, but I don't remember. I mean  
12 obviously, Langston understood I was having a problem,  
13 we still haven't gotten our objective accomplished,  
14 because he said I'm going to call Janet Reno now.

15 Q So you hang up the phone and you're still  
16 sitting there, what happens?

17 A Yes. There was other phone calls, my friend  
18 from Alexandria buzzes me again or pages me or calls  
19 me.

20 Q I'm sorry, who is that?

21 A The AUSA from Virginia.

22 Q He tracked you down at the White House?



1 A Paged me, I suppose, or maybe there was  
2 back-up. I was pretty popular, believe it or not, for  
3 a while; I didn't want to be, but I was.

4 Q Did you call him back from the White House?

5 A From the EOB, yes, yes. I'm pretty sure I  
6 did, because remember I told you I had the supervisor  
7 in there, and he said the supervisor and I are on the  
8 way up there, and I said maybe you want to check with  
9 Mr. Heymann before you come up.

10 Q You hadn't had any contact with Justice at  
11 that point when you talked to him?

12 A I think so, because remember I told him that  
13 Mr. Heymann is sending Margolis and Rogers over, so I  
14 had to have the conversation with Heymann, because I  
15 can remember telling him, because I want myself and  
16 some supervisor; I don't know these guys.

17 I've not worked that many cases in Alexandria  
18 in years. And so that's when I told him what I did,  
19 and that was the last time.

20 Q That's the last you heard from him?

21 A Yes.

22 Q So when did the guys from Justice finally

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1 arrive?

2 A It had to be after 5:00, because one of the  
3 notations I made in my notes was around 5:00, 5:05, it  
4 was 5:00 something. And they didn't get there until  
5 after that, I would think, because I don't think that I  
6 had any more conversations with Phil Heymann more than  
7 those two conversations that day.

8 Q From the White House -- from the EOB?

9 A Right, while I was over there and eventually  
10 Rogers and Adams do get there.

11 Q And in your conversations with Heymann, did  
12 he indicate why Department of Justice would be  
13 involved?

14 A No, other than he was the number two man at  
15 the Justice Department.

16 Q Did he specifically say Nussbaum or anyone  
17 specifically from the White House had asked him to  
18 become involved?

19 A If he did, I don't recall it. I don't think  
20 he did. I don't think he ever mentioned that the White  
21 House told him to get involved. Let me tell you what I  
22 sensed -- no, I won't tell you what I sensed.

1 Q Sure, tell me what you sensed.

2 A Remember the first conversation I had with  
3 Phil Heymann? He was able to give me some information,  
4 but not all the information that I ended up getting  
5 that day. The second conversation he had more  
6 information, I sensed at that point he was either being  
7 briefed by someone or he hadn't formulated his plan  
8 yet.

9 And I don't know, you would have to ask him,  
10 but something occurred after our first conversation,  
11 you know, either he had finalized his plans, you know,  
12 as to what he was going to do or, you know -- you know,  
13 it would be like me talking to my chief back and forth,  
14 maybe he had a chief to talk back and forth, too, I  
15 don't know.

16 Q How long was it between the two  
17 conversations?

18 A I don't know. Do you all have a copy of my  
19 notes here?

20 Q Somewhere in a binder.

21 A Okay.

22 Q Did you --

1 A I wrote down a time, and I may have written  
2 down both times, and then I could answer your  
3 question.

4 Q Okay. Do you recall just about, you know,  
5 generally? I mean I know you were there for a long  
6 afternoon, but it doesn't have to be exact.

7 A I don't even know if I can get you close. I  
8 mean obviously we were back up there a little after  
9 1:00, we don't get out of there until around 6:00 or  
10 so, because we're rushing back to the office to grab  
11 this stuff to get back up there around 7:00 or so or  
12 maybe, I don't get back to the office to go home until  
13 around 7:00 or so, you know, you know, 30 minutes maybe  
14 between the two calls, I don't know.

15 Q Did you get the impression after the second  
16 call that the Department of Justice was in charge of  
17 the investigation?

18 A I think I started getting it as soon as he  
19 told me who he was. You know, he made it very clear,  
20 he was the number two person at Department of Justice.  
21 I mean it's just like I can remember being a young  
22 rookie on a street and a senator comes up and wants to

1 go past my parking barricade and he told me I was  
2 senator so-and-so, I mean there's a reason people tell  
3 you that, you know.

4 Q Did he say anything specific about the  
5 investigation?

6 A You mean about the --

7 Q About who was going to be in charge.

8 A In other words, did he say I'm Phil Heymann,  
9 I'm now taking over your investigation? No, he did not  
10 say that.

11 Q How about, I'm Phil Heymann and I've got some  
12 ideas about how this investigation ought to be handled?

13 A No. No, no, he says, I'm Phil Heymann, I'm  
14 the number two man at the Department of Justice. At  
15 some point in time he gave me a number where I could  
16 reach him, and that he would send over two, and he made  
17 it -- I'm pretty sure it was him and not the chief, but  
18 I knew there was two career.

19 And there was a reason in my mind they said  
20 "career" because of the political part, you know, to  
21 make us feel more comfortable or to assure us that this  
22 was going to be an above board investigation sort of

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1 thing.

2 Q In your many years of police work, have you  
3 ever dealt with someone at that level, the Department  
4 of Justice in the course of an investigation?

5 A No, I'm sure of that.

6 Q I just wanted to make sure.

7 In between your -- between the first call  
8 from number two at the Department of Justice and the  
9 second call, did you attempt to get a hold of  
10 Chief Langston or Major Hines?

11 A Between the two calls from Mr. Heymann?

12 Q Between the two calls from Mr. Heymann.

13 A It's possible. We had a lot of phone calls  
14 back and forth, I mean I was on that phone a lot.

15 Q And what was your general state of mind  
16 during that period? I mean how did you feel?

17 A Like I do right now, headache, tired.

18 Q I surely can't make you feel as tired as  
19 Mr. Heymann.

20 A You know, I don't know. I mean it was -- you  
21 know, by then Markland and I were free to leave,  
22 saying, here we are, you know. I mean we had just

1 about I think run out of steam at that point. I mean  
2 we got to the point, you know, that -- I mean it was  
3 clear -- of course, you can ask Pete, but I think in my  
4 mind, it was clear that we would now -- whatever would  
5 happen would happen, and we would have little or no  
6 control of this.

7       You know the police are used to controlling  
8 these things, and I think -- and that was another  
9 reason, you know, for going up there and having  
10 Markland go up there. I have guys that would have gone  
11 up there that would have been like bulls in China  
12 closets, and maybe hell that's what we should have sent  
13 up there, you know, then the chief could have had some  
14 complaints or something to deal with, you know.

15       Q   Were you concerned about that?

16       A   Oh, yes, that was one of the reasons I wanted  
17 Markland to go, not only based on his experience and  
18 his professional and all, but I knew that, you know, he  
19 wouldn't say something or do something inappropriate,  
20 you know.

21       Q   So do you feel -- you feel that -- by the  
22 time you had the two conversations with Heymann, you

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1 and the Park Police had essentially lost control of the  
2 investigation?

3       A   At the White House, I thought then  
4 Mr. Heymann made it very clear on the second phone call  
5 the role Mr. Margolis and Mr. Rogers would play.

6       Q   And what was that role? I guess could you  
7 explain to me again? You might have said earlier, but  
8 I don't recall.

9       A   Yes, that they would view the documents, but  
10 it didn't happen that way, that they would view the  
11 documents and in essence make the documents.

12       Q   Did you have the sense that you would need to  
13 go through Justice or deal with Justice on any other  
14 part of the investigation?

15       A   Well, I felt we had to deal with someone on  
16 every part, because Heymann or anyone said any dealings  
17 with Mrs. Foster go to Hamilton. We almost had to cut  
18 through some lawyer on everything.

19       I'm telling you, Mr. Anthony was refreshing,  
20 we didn't have to go through anyone, he's one of the  
21 few that we got to interview without someone being in  
22 the room, and I think he's very candid. And I think he

1 necessarily wanted to help us.

2 Q But every other part of the investigation you  
3 felt like you had --

4 A Stressful.

5 Q You had to go through somewhat --

6 A Stressful, stressful. We felt like we had to  
7 jump extra hoops, so to speak --

8 Q To --

9 A -- to do what we had to do, which to me was  
10 no terrible big deal. I mean especially if this thing  
11 was going to continue to lead us along with the  
12 evidence and what we were -- the direction we were  
13 going on was a suicide, you know.

14 Q Did you have the -- I mean did you ever think  
15 that the case might be turned over all together to  
16 Department of Justice or some other agency at that  
17 point?

18 A I don't know -- you know, I don't know if I  
19 ever really -- I guess I was -- at that point I would  
20 be willing whatever anyone said or suggested, you know,  
21 if the chief called and said give it to him, fine, come  
22 on back to the office, I'm sure we would have been more

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1 than willing to go back to the office.

2 Q You mentioned that you had to go through  
3 Mr. Hamilton to deal Mrs. Foster?

4 A Pete did a lot of that. I didn't handle it.

5 Q Do you know why you had to go through  
6 Mr. Hamilton?

7 A That's what we were told to do.

8 Q Who told you?

9 A I guess Hines or chief or someone, you know.

10 Q Do you know if Langston and Major Hines had  
11 conversations with Hamilton?

12 A Yes, at some point, because Hamilton called  
13 me after Langston gave that news conference, and  
14 Langston said something about the gun being sent to  
15 Arkansas. Hamilton called me, and he's now upset now,  
16 the reporters are going to descend on the Foster sister  
17 in Arkansas, and I said no name was put in the paper or  
18 I think that's what I said.

19 Well, he said everyone will know who she is,  
20 and I said really you're talking to the wrong person.  
21 Well, I'll call Langston, a lot of people loved to talk  
22 to the investigators and sergeants, and said I'm going

1 to call the chief, and I guess that's what he did,  
2 because I know there was some conversations and  
3 correspondence between Hamilton and the chief as I  
4 understand. But I eventually got -- I didn't hear  
5 anything from Hamilton anymore.

6 Q Did you or Markland ever object to or talk to  
7 the major or the chief about having to deal with  
8 Hamilton on every point with respect to Mrs. Foster?

9 A I'm sure that it was obvious the way this  
10 whole case was going that the chief -- if  
11 Chief Langston and Major Hines didn't know that we were  
12 frustrated at every turn, than they didn't know what  
13 was going on, they were totally in the dark.

14 Now, I can't specifically say what I said and  
15 didn't say, I don't recall all of that, you know. I'm  
16 sure for me to pick up the phone and call the chief as  
17 much as I did, he had to know. I mean he took an  
18 interest in this case, I'll say that.

19 Q And he could tell what your general attitude  
20 was?

21 A Oh, absolutely, absolutely.

22 Q And you expressed your frustration to the

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1 chief?

2 A I think I did, quite capably, you know.

3 Q Would you have been -- I mean you say you  
4 made a lot of phone calls to the chief keeping -- you  
5 said he was interested in the case?

6 A Right.

7 Q I mean would you have written memos to him?

8 A No, no. I didn't write any memos to him, I  
9 would page him or call him. I think I was even given  
10 his -- I was given his whole series of numbers. I  
11 think he has like a Skypage maybe, or I was given -- I  
12 had his home phone number, and I've called him at home  
13 before on other matters.

14 I think I called him at home, we talked. It  
15 got to the point where I think I kept him pretty much  
16 -- we talked a lot back and forth. I think he got  
17 even where routinely I was briefing him, even if I  
18 didn't have a problem, because he was getting a lot of  
19 inquiries from the press.

20 Q So you would call him if you were having a  
21 problem getting to a witness or trying to pursue your  
22 investigation?

1 A Not so much as a way of complaint after that  
2 initial day, you know. This thing with Hamilton, you  
3 know, was much less than dealing with Nussbaum.

4 Q Sure.

5 A You know, this is no longer viewed as too  
6 serious. If Nussbaum didn't exist and it was just  
7 Hamilton, then it would have been more serious than we  
8 had to deal with, but, you know, we were beginning to  
9 believe what was just a suicide, you know, all of these  
10 people and all of these attorneys, I mean it seems  
11 -- normally we don't run across that much of attorney  
12 interference in these types of things.

13 I mean why an attorney? Why do you need an  
14 attorney at your side on something like this?

15 Q Particularly for interviews with family  
16 members or friends?

17 A Sure.

18 Q Have you ever been in a case where there have  
19 been attorneys present for that?

20 A No, no, I haven't, not that I recall.  
21 Normally the only time you have an attorney present  
22 when you interview is usually a suspect or a witness

1 that you're leaning on pretty heavy, they get a little  
2 nervous or scared. You know, it's like reading in the  
3 paper about Officer Fornshil having an attorney or  
4 something, I'm still kind of laughing about that. I  
5 thought it was a joke at first, what the hell did he  
6 need an attorney for?

7 Q Let me ask you about that point. You  
8 mentioned that you -- and I might be jumping ahead a  
9 little bit, but you mentioned you interviewed Debra  
10 Gorham?

11 A I'm pretty sure it was Debra that I  
12 interviewed, okay, but I'd have to go back. I didn't  
13 even look at the case jacket when I went back, you  
14 know.

15 Q Well, what I want to ask you about is, you  
16 said there were a number of people in that interview?

17 A Right.

18 Q And I think you said there was --

19 A The best I recall was Steve Neuwirth, but it  
20 will be in my report, Steve Neuwirth, Brodino from the  
21 Secret Service, myself and the FBI agent. I asked most  
22 of the questions, the agent may have asked a couple.

1 Q And let me just stop you there. Before you  
2 even began asking questions and you saw this array of  
3 people in the room, what did you think of that?

4 A Well, I think I probably had conversation  
5 with them, why are you here, what is --

6 Q Did you ask Neuwirth that?

7 A As a matter of fact, I -- yes, I'm pretty  
8 sure -- well, I can remember not so much, I remember  
9 Brodino because those guys, their tails were there  
10 everywhere we went.

11 Q The FBI guys?

12 A No.

13 Q The Secret Service guys?

14 A The Secret Service guys. They came to kind  
15 of part of everything that we were doing, and they  
16 helped to facilitate things for us and help to find the  
17 office and made it easier for us to move around, I  
18 think. But why Neuwirth was there, I'm sure I raised  
19 that question.

20 Q Did you have any direct conversation with  
21 Neuwirth before the interview started?

22 A I believe I did. I don't remember all the

1 contents, and I can remember saying something to him  
2 also I think after the -- because it seemed like to me  
3 he interjected himself into the interview or something  
4 after the interview, because I can remember -- the best  
5 I can recall, because I think even Steve Neuwirth had  
6 said that he had seen Foster during the FBI ceremony  
7 -- at the ceremony.

8 Q Do you ordinarily interview witnesses  
9 together if they have information about --

10 A Oh, no, you interview them separately. I can  
11 give you an example, I had to do an internal  
12 investigation, one of the officers got a complaint from  
13 one of the higher government officials in the District  
14 of Columbia, this particular female that ran this  
15 department in the District government called up my boss  
16 back then when I was a lieutenant running internal  
17 affairs, and I had to interview all of these witnesses  
18 that saw this.

19 They were making allegations that an officer  
20 assaulted this person for no reason, okay? And I'm  
21 doing an internal investigation, you know, which could,  
22 if it's proven to be true, could lead to prosecution of



1 our police officer.

2 Q Sure.

3 A So I wanted free-flowing information from all  
4 of these people that I was interviewing and they wanted  
5 to have an attorney sit in on these interviews, I said  
6 no way. I controlled the interview, there will be no  
7 attorneys.

8 And I brought all the witnesses into my  
9 office. Well, some type of influence was put on the  
10 chief's office, and I was ordered to let the attorney  
11 sit in, and I objected to it.

12 And the attorney came down, and he was  
13 corporation counsel, I can't think of his name, I knew  
14 him from the court system, he said, Charlie. I don't  
15 even know why I'm here. And the guy was, you know, I  
16 called him Pimps, he used to go back and tell them what  
17 all the people said, you know it happens.

18 We have these things that will happen, and I  
19 think Neuwirth was in there to tell Nussbaum what  
20 happened; he was Nussbaum's pimp.

21 Q In your opinion, it was highly unusual to  
22 have an lawyer be in a investigation?

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1 A Yes, unless it was like a pimp for the boss.

2 Q Did you assume you had to interview Neuwirth  
3 at some point?

4 A No, no, we didn't find that out until later,  
5 until after the briefcase.

6 Q We'll get to that. Was Neuwirth taking  
7 notes?

8 A Yes, I believe he was, yes. Yes, I believe  
9 he was.

10 Q And how was -- how was the witness'  
11 demeanor? How did she seem to be handling being asked  
12 questions in front of this room full of people?

13 A My opinion again?

14 Q Yes.

15 A I think she just seemed to be somewhere else.

16 Q Did she seem uncomfortable?

17 A There again, it's my opinion, just based on  
18 what I said she probably would have preferred to be  
19 someone else, you know, she wasn't. I don't think  
20 there was -- I would have to say more a matter of fact,  
21 she was -- here's a question, give me an answer, you  
22 know.

1 I tend to talk a little bit and get animated  
2 a little bit here with my hands. I don't remember  
3 seeing any of that with her. She was like that, and  
4 she would answer the question and she would answer the  
5 question.

6 Q Would she look over at Neuwirth before she  
7 answered?

8 A You know, I was -- where I was sitting and --  
9 I never paid a whole lot of attention to Neuwirth at  
10 that point, because I believe we sat here at the end of  
11 the table and the agent would sit over on one side and  
12 I sat on the other side, and, you know, I think  
13 Neuwirth might have been here or there, I'm not sure,  
14 to my other side of me or maybe he was actually sitting  
15 back a little bit.

16 For a fact, I know where Brodino was sitting,  
17 he was sitting near the door, because when Nussbaum  
18 came through that door, I'm glad I wasn't there,  
19 because he would have knocked him through the door.  
20 When he came through that door, buddy --

21 Q What did the witness do when Nussbaum burst  
22 in?

1 A I don't know. I don't know because I looked  
2 to see what was going on, and he said something like in  
3 a very -- I think somewhat loud and aggressive sort of  
4 way, is everything okay or something along that lines,  
5 and I wondered to myself what couldn't be okay.

6 Q Did you say anything to him?

7 A I don't know if I did or not. I don't think  
8 I did. I think maybe Neuwirth said everything is fine  
9 or maybe we all did at that point. I don't know.

10 Q Did you hold off on asking further questions  
11 until he left?

12 A Right.

13 Q You did?

14 A Oh, yes.

15 Q You did?

16 A Oh, yes. He was only there for a few  
17 moments, he wasn't there very long. He closed the door  
18 and went back out and went out a lot quieter and a lot  
19 easier than he did. Of course, he didn't slam the door  
20 or anything on the way out.

21 Q Did Neuwirth ever say in what capacity he was  
22 there?

1       A    You know, like I said earlier, there was some  
2 -- I'm almost sure that I had some conversation  
3 because it bothers me that he was going to be there,  
4 but the exact conversation, you know, I don't recall.

5       Q    You don't recall whether he was purporting to  
6 act as her attorney or personal attorney?

7       A    No, he never clearly represented himself to  
8 me that he was acting as her personal attorney, no, he  
9 did not.

10      Q    Okay.

11      A    Because usually that's pretty obvious and  
12 that was not obvious.

13      Q    You never got a copy of his notes, did you?

14      A    No.

15      Q    Did you object --

16      A    My opinion again he was acting as Nussbaum's  
17 attorney or the White House attorney. I never saw him  
18 representing her in any way. He never objected as I  
19 recall to any questions that I remember. Now, I don't  
20 remember him objecting to any questions, you know. I  
21 did ask her one thing.

22           Glenn, you had asked me earlier one other

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1    thing, if I can add that now.

2       Q    Sure.

3       A    I did ask her, because Pete and I discussed  
4 this beforehand, had they been briefed or told what to  
5 say to us, and I said, Pete, I'm going to ask her. And  
6 I don't think I told Pete to ask the other woman that,  
7 but I guess I suggested that to him.

8           So I asked her had she be approached or told  
9 by anyone at the White House how to respond to our  
10 questions, and she said, yes, or maybe yes with a  
11 follow-up.

12          She said that they had called them all  
13 together, I guess meaning all the ladies in that main  
14 office that we talked about that suite, and said that  
15 -- it may have been Neuwirth that briefed them,  
16 Neuwirth and Sloan or Neuwirth or Sloan, I don't  
17 recall, and said that you will be interviewed by the  
18 police to tell them the truth.

19      Q    And she didn't go into any more -- didn't say  
20 they said anything else?

21      A    No.

22      Q    And what kind of questions did you ask her?

1       A    You know, trying to find out his last  
2 activity, you know, his last movements before his  
3 death, any problems that he had been having, maybe  
4 about phone calls, maybe or anything that might have  
5 upset him, you know.

6       You kind of get into the flow of these  
7 things, you know, the whole line of questions. You can  
8 have follow-up questions as to what they respond to.  
9 Like I said, I probably asked about the gun. I  
10 probably asked about his mood and things like is that,  
11 about his meals; she told me about that.

12       And like I said, I didn't have a notebook, a  
13 police notebook with me. I think I picked up a piece  
14 of paper off of the copy machine. When I walked by, I  
15 took that in with me. I wasn't even sure I was  
16 conducting any interviews to tell you the truth.

17       Q    So were you taking detailed notes or just  
18 jotting them?

19       A    With her I filled up a pretty good space on a  
20 paper. I mean it looks like a chicken has been all  
21 over that paper. I got notes everywhere. I mean it  
22 was enough that I could go back and write a fairly

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1 detailed report, and I think it was close to a page  
2 maybe, maybe more, I'm not sure.

3       Q    Do you keep all of your notes from your  
4 investigations?

5       A    Generally, yes. As a matter of fact, that's  
6 one of the things in the new guidelines that we put out  
7 that when a case is closed, they will put all the notes  
8 in the case. And that's what I learned many years ago  
9 when we would bring a case down to the U.S. Attorney's  
10 office, we know we would want the notes, so we take the  
11 notes out and even make copies of them and give them to  
12 the assistant U.S. Attorney and put the original in the  
13 case jacket or whatever.

14       Q    So all the notes that you took in this case  
15 would be with the case file?

16       A    Right, yes.

17       Q    Okay. Was your time with Gorham limited at  
18 all?

19       A    No, like you only have 30 minutes or  
20 anything?

21       Q    Yes.

22       A    No, we ran out of questions. We asked her

1 all that we thought we could ask her that was germane.

2 MR. IVEY: Would this be a good place to take  
3 a break?

4 MR. DARMER: That would be fine. Any time  
5 the court reporter wants a break or the witness wants a  
6 break, just let me know.

7 (A brief recess was taken.)

8 BY MR. DARMER:

9 Q Captain, I had a couple more questions for  
10 you about the interview at the White House we were just  
11 discussing with Ms. Gorham.

12 A Okay.

13 Q Did you recall a point in the interview when  
14 she got up and left the room with anyone or with  
15 Neuwirth?

16 A No, she never left the room.

17 Q Do you recall asking her about telephone  
18 calls or communications with Mr. Foster since I  
19 gathered she was involved in his phones?

20 A Well, see, now I think she was Nussbaum's --

21 Q Secretary, executive assistant?

22 A Yes, but I don't think they used that term.

1 executive assistant or something like that. And I  
2 don't think she -- I had the sense that, you know,  
3 because all of them worked in there all of them kind of  
4 knew what was going on and on. That was a sense that I  
5 came away with. But she -- I believe if you were to  
6 check my report, I think she was Nussbaum's --

7 Q So you weren't asking her specific questions  
8 about Foster's daily work activities, you were asking  
9 more her impressions of him working in the same suite  
10 of offices?

11 A Right, I was more interested in what she  
12 could tell us about those few hours --

13 Q Okay.

14 A -- and time before his death.

15 Q Who is -- do you know, was it Markland that  
16 talked to Foster's executive assistant?

17 A Yes, yes, it was Markland, and I think  
18 Special Agent Salter. Was it Debra Gorham that I  
19 interviewed, is that my report or Markland's?

20 MR. GOLDENBERG: I think that's Markland's.

21 THE WITNESS: Yes, it looks like his  
22 signature.

1 BY MR. DARMER:

2 Q Why don't you take a look at this report and  
3 see if you can tell me whether it's yours.

4 (Witness reviews the document.)

5 THE WITNESS: This is Markland's. So I did  
6 not interview Debra Gorham, but everything I said about  
7 the person that I interviewed is still accurate.

8 BY MR. DARMER:

9 Q But it was Nussbaum's -- do you remember  
10 exactly what the person's job was?

11 A I don't know, executive assistant, for lack  
12 of a better term. I thought she was Nussbaum's  
13 secretary, I mean that's what I would call her.

14 Q We can call her that.

15 A Do you have my report?

16 MR. GOLDENBERG: He's digging it up.

17 BY MR. DARMER:

18 Q Yes. I will pull it out in a minute.

19 Did you sign the document?

20 A No, my signature is not on that document.

21 MR. IVEY: Just describe what the document is  
22 on the record just so that it's clear for someone who

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1 reads the transcript. Refreshing recollection may make  
2 sense at a trial, but not in a deposition context.

3 MR. DARMER: Sure. I showed the witness a  
4 supplemental criminal incident report of an interview  
5 with Debra Gorham, two pages, I'm not sure what the  
6 date is, but it appears to be signed by --

7 THE WITNESS: Detective Markland, detective  
8 at the time.

9 MR. DARMER: And there are redacted portions  
10 on the second page.

11 THE WITNESS: I didn't see the second page,  
12 so...

13 MR. DARMER: The two-page-document that I  
14 showed the witness has some redaction portions on the  
15 second page.

16 THE WITNESS: The only other woman that I  
17 remember was this Linda Tripp. I can't even remember  
18 the name of the woman that I interviewed.

19 BY MR. DARMER:

20 Q But this was an interview that was taking  
21 place on Thursday, two days after the incident, or was  
22 this the first one?

1 A No. Let's see, he died on July the 20th; the  
2 21st we didn't interview those women. We interviewed  
3 those women on the 22nd, the same morning that we got  
4 into Foster's office that afternoon, so that would have  
5 been the third day, that would have been the 23rd;  
6 right?

7 Q Okay.

8 A And what did you say, it was a Thursday?

9 Q I said Thursday, but I might be wrong.

10 A I don't remember either, but the date would  
11 have been three days later, so it would have been the  
12 23rd.

13 Q Death on the 20th, you first get involved on  
14 the 21st; is that correct?

15 A That's right, the 22nd. Yes, it would have  
16 been the 22nd.

17 Q Okay. I want to go back to the 21st, because  
18 that's where we were. I want to go back to the point  
19 where the Department of Justice people arrived at the  
20 White House.

21 A Okay.

22 Q Okay. You were with some FBI people who came

1 over, you were with some Secret Service people. After  
2 your conversation with Heymann, did Margolis and Adams  
3 at some point arrive?

4 A Right.

5 Q And do you remember about what time?

6 A Well, see, there again I would have to say it  
7 was sometime after 5:00, because I remember writing in  
8 my note 5:00, 5:05, or 5:15 or something like that, and  
9 that's when I was talking to Phil Heymann on the  
10 telephone.

11 So they hadn't gotten there yet, but they had  
12 to get there somewhere around that time, because we  
13 then all went back over to that west wing and went  
14 upstairs to Nussbaum and Foster's office, that suite of  
15 offices.

16 I recall telling Glenn when he was asking me  
17 questions that we went in and bringing up the tail end  
18 of this group of people was myself and Special Agent  
19 Condon, C-o-n-d-o-n, and we just -- you know, we  
20 decided we were not going to go in that office, and we  
21 didn't need all of these people. I didn't know how big  
22 the office was.

1 I didn't go in. I stayed out and stayed in  
2 that outer suite where the ladies were sitting. And I  
3 was talking to the guard, the Secret Service agent that  
4 was standing at the door at Foster's office, and  
5 basically saying that's Foster's office. And I could  
6 see, I believe, the lock on the door that they put on  
7 the door.

8 Q Did you see a guard by the door?

9 A Oh, yes. I spoke to him real low. He wanted  
10 to be anywhere but there, too, and basically what I  
11 learned from him was that, you know, anybody that  
12 wanted to go in the office, of course, would go in. He  
13 was powerless to stop anyone.

14 Q Was he keeping a log?

15 A Yes, there was a log. Now, I don't know if  
16 he kept it or his supervisors or his superiors kept a  
17 log, because I eventually got a copy of that log and  
18 made it part of the case file, and you all should have  
19 that I would think.

20 Q When you talked to this guy, had he been  
21 there since 10:00 in the morning when the guard had  
22 first been posted?

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1 MR. IVEY: Is this still at the death part?

2 MR. DARMER: Sure. I'm still trying to  
3 determine everything that Mr. -- Captain Hume did in  
4 the course of pursuing the death investigation, and  
5 that included some of his activities at the White  
6 House.

7 MR. IVEY: Well, I understand that. But as  
8 far as keeping a log of who goes into the room, how  
9 does that bear on --

10 MR. DARMER: Well, in the course of  
11 testifying about conversations he was about to have, he  
12 testified that the guard indicated who was going in and  
13 out of the room. And he also indicated that a log had  
14 been kept.

15 MR. IVEY: Right.

16 MR. DARMER: I don't see what that has to do  
17 with moving or handling documents within the office.

18 MR. IVEY: Which office was this log kept  
19 for?

20 BY MR. DARMER:

21 Q Which office was the log kept for?

22 A Mr. Foster's office.



1 MR. IVEY: You don't feel that that's  
2 relevant to the documents in the office?

3 MR. DARMER: I'm not asking the witness a  
4 question about the handling of the documents in the  
5 office. I'm asking him about his experiences or  
6 impressions in pursuing his investigations that  
7 happened to take place at the White House, and I think  
8 that's within the scope of the resolution.

9 MR. IVEY: Well, I'm not sure I agree at this  
10 point. I think we've been -- I mean I've tried not to  
11 be obstructionist I guess in dealing with aspects of  
12 the White House investigation that I think are clearly  
13 relevant to the death and investigation, and even some  
14 that I think are kind of on the line. I don't really  
15 see how this plays into that.

16 I mean unless he -- I mean apparently this  
17 person guarding the door didn't have any information  
18 relevant to the death investigation, his only role was  
19 related to the documents inside the office.

20 MR. DARMER: Well, no, his role was, as I  
21 understand it, was securing the office which is exactly  
22 one of the points that Captain Hume and

1 Detective Markland had pursued in their initial trip to  
2 the White House that morning.

3 MR. IVEY: I follow you. But he secured the  
4 office so that the documents inside would not be moved.

5 MR. DARMER: I don't think that there's any  
6 testimony about why the office was secured. I think  
7 Captain Hume testified why they -- the Park Police  
8 wanted the office secured, but they didn't order the  
9 guard to be there.

10 I'm not asking him why Nussbaum -- I'm not  
11 asking whether he asked why Nussbaum posted the guard  
12 at the door. I think that is beyond the scope.

13 MR. IVEY: Well, what was the last question?

14 (The reporter read back the portion requested.)

15 MR. IVEY: So you think that the length of  
16 time this guy was at the door is not relevant to the  
17 documents, it's only relevant to the death  
18 investigation?

19 MR. DARMER: I'm not taking a position one  
20 way or the other on how it might be relevant to the  
21 documents, I'm asking the captain questions about the  
22 death investigation concluding what his contacts were

1 and what he did at the White House on that day.

2 My suggestion quite frankly on this point is  
3 that if you feel -- if you feel like you want to lodge  
4 an objection, you should make the objection. The  
5 record can be as it is and --

6 MR. IVEY: Well, I think it's agreed for  
7 these type of scope objections that it has to go  
8 upstairs, this isn't where you object on the record and  
9 move on. This is to every type of objection, if you  
10 think it's something we should kick up and resolve at  
11 that level --

12 MR. DARMER: I guess I'm not sure -- I'm not  
13 sure how your objection fits into the resolution. This  
14 is not a question about how White House documents --  
15 White House officers handled documents in the office of  
16 White House Deputy Counsel. He's just asking a  
17 question about a situation that he happened to find  
18 himself in.

19 MR. IVEY: Which is relevant to the documents  
20 in the room.

21 MR. DARMER: And it's also relevant to his  
22 investigation into the death of Vincent Foster as a

1 Park Police investigator.

2 MR. IVEY: How long this guy was at the  
3 door?

4 MR. DARMER: Anything to do with pursuing  
5 what he thought to be the appropriate investigation of  
6 the death.

7 MR. IVEY: Let's kick it upstairs. We'll let  
8 them make the call.

9 MR. DARMER: All right, that's fine.

10 BY MR. DARMER:

11 Q Were the Department of Justice people with  
12 you at this point in the White House?

13 A Right, the best I recall, Adams and Margolis  
14 -- I'm sorry, Rogers I think -- wait a minute. I  
15 think I've been referring to him as Rogers, but I think  
16 it's probably Roger Adams. Oh, I don't know anymore.  
17 All right. Margolis and Adams, I think it's -- it was  
18 Roger Adams.

19 Q Had you ever had contact --

20 A And I think I referred to Adams as Roger  
21 -- Rogers before. I think the record is going to  
22 probably end up saying Rogers maybe.

1 Q What do you think the right name is?

2 A I think it was David Margolis, I'm very clear  
3 on that, because like I said I met him before or been  
4 at a conference where he was. I think it was Roger  
5 Adams.

6 Q Okay. And what were their titles?

7 A But this guy was like just there. I mean  
8 Margolis was the one that was the most observable, you  
9 know. I don't remember this guy Roger Adams having a  
10 whole lot to say.

11 Q You mentioned in your testimony this morning  
12 that you -- Mr. Margolis was known to you?

13 A Right, I knew the name Margolis.

14 Q Why was that?

15 A And one of the reasons was that I had been in  
16 a conference in San Diego sometime previous and he had  
17 spoken to the audience about ethics.

18 Q Okay. Had you ever dealt with him in a -- on  
19 a case?

20 A No, no.

21 Q Did you know what his title was at Department  
22 of Justice?

1 A I'm not sure, because -- and the reason I say  
2 that, he had had a title at one time, but I don't think  
3 he was active in that position anymore, and I'm not  
4 even sure what title that was, maybe associate deputy  
5 director or deputy director. But I knew he was high  
6 up, but he never made that an issue.

7 Q Did you know whether he was a career or a  
8 political appointee?

9 A I had been led to believe like I explained  
10 earlier either by -- I think it was Phil Heymann that  
11 he was a career employee.

12 Q Is that still your understanding?

13 A That he's a career employee?

14 Q Yes.

15 A Right.

16 Q And when did you determine that he was going  
17 to be your contact at Justice?

18 A When I talked to Phil Heymann, and the best I  
19 recall it was the second conversation that I had with  
20 Mr. Heymann and that had to occur somewhere most likely  
21 around 5:00 or after 5:00 or close there to.

22 Q And did you have independent conversations

1 with Mr. Margolis when he arrived at the White House,  
2 or was it just part of a larger group conversation?

3 A I think a lot of it was more of a group  
4 discussion, you know, what is in there now, six or  
5 eight of us, I guess eight of us with the Secret  
6 Service, FBI, myself and Pete Markland, and these two  
7 guys. I think it was more of always a huddle.

8 And to be honest with you, I try to stay away  
9 from Margolis, because he's a smoker and every time we  
10 go inside, there would be a little huddle. And I never  
11 wanted -- Pete Markland is a smoker, so I kind of stay  
12 away from these smokers as much as I can.

13 Q Did you testify earlier that at some point  
14 you provided a copy of the case file to David Margolis?

15 A That's correct, I did.

16 Q And why did you do that?

17 A I guess I was directed by the chief or  
18 Major Hines, most likely Major Hines.

19 Q Have you ever turned over a case file for an  
20 ongoing investigation before to another agency?

21 A Well, I think that case was closed at that  
22 point.

1 Q Oh. When did you turn it over to him?

2 A Before that press conference, and we had  
3 closed our file, closed our case.

4 Q Were you providing Margolis with copies of  
5 reports during the pendency of the investigation?

6 A No, no.

7 Q What was -- so what was the result of this --  
8 what happened after this meeting in the White House  
9 that you were describing?

10 A On the second day?

11 Q Right.

12 A Well, the first day at the White House, but  
13 the second day of the Foster incident?

14 Q Yes.

15 A We all walked across EOB to the second floor,  
16 the second wing, the west wing, the second floor of the  
17 west wing of the White House where Mr. Nussbaum and  
18 Mr. Foster had their office, Pete Markland and Special  
19 Agent Salter of the FBI, Roger Adams and David Margolis  
20 and I guess the Secret Service folks all went into  
21 Nussbaum's office, and there was a conversation in  
22 there.

1 We milled around a little bit out in that  
2 outer office, that suite where the secretaries were, it  
3 was like a bay, several desks all in there. And like I  
4 say I made some small talk with the guard at the door,  
5 made some observations of the people working in there.

6 And then we walked out into the hallway, this  
7 other special agent and myself. And, you know, I don't  
8 know, maybe 15, 20 minutes, I don't know how long, 15  
9 minutes, everyone comes out, the two guys from Justice  
10 Department and the two police, you know, the FBI and  
11 Pete Markland.

12 And I can remember asking Pete a couple  
13 questions like, you know, when are we going to get into  
14 the office and when are we going to interview some  
15 people, and he didn't have the answers. It was almost  
16 like Pete, what the hell did you go into the room for,  
17 you know. He's a little frustrated; Charlie, I don't  
18 know.

19 It's obvious that Pete had lost control of  
20 what -- he had no control of what went on in that room,  
21 in my opinion. And, you know, as lead investigator at  
22 that point, you know, I mean it wasn't obvious that he

1 was the lead investigator of anything. And I believe  
2 they went back in there, because eventually we all go  
3 out in front where that canopy runs out into the  
4 parking area there at the west wing, and we had a  
5 little huddle.

6 And it was decided that we would be back up  
7 the next morning, and we -- I thought all of us, but it  
8 ended up just Pete and I and the two FBI agents, and we  
9 wanted to interview. There was a game plan to go ahead  
10 and start the interviews of the people that worked in  
11 the office.

12 Q The next day?

13 A Debra Gorham, the lady I can't remember.

14 Q Was it Betsy Ponds?

15 A Betsy Ponds. Thank you, that is -- okay. I  
16 think I can say safely now that is the person I  
17 interviewed.

18 Q Okay.

19 A Betsy Ponds.

20 Q So you're down under the canopy?

21 A Yes, this is still that --

22 Q Wednesday?

1 A The first day that Margolis and Roger Adams  
2 get up there.

3 Q Right.

4 A And that's kind of what I get from that  
5 meeting that we'll come back up and start the  
6 interviews the next morning. So we get up there --

7 Q Before you do that. So at the end of that  
8 day, that first day, then did you leave and go back to  
9 your station?

10 A Right, apparently when Pete and them went  
11 back in the second time, they were asked about bringing  
12 up the wallet and maybe the watch and rings or  
13 whatever, some personal effects of Mr. Foster.

14 Q But you had already gone back?

15 A No, we're still all down. That's what we're  
16 going to do, we have our last little meeting now on the  
17 sidewalk, that's kind of the game plan, Pete and I are  
18 going to go back and get this property. Margolis and  
19 Adams are going to go wherever they're going to go; FBI  
20 is going to go home.

21 Q But the request for the property had come not  
22 when you were present?

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1 A Right, right. I did not attend either one of  
2 those meetings, I believe there were two meetings in  
3 Nussbaum's office that evening, you know. Now it's got  
4 to be close to 6:00, because it's a little after 5:00,  
5 it had to be when we went over there to the EOB  
6 building.

7 Q And how were you guys feeling at that point?

8 A Pretty frustrated.

9 Q Had you accomplished any of the things you  
10 set out to accomplish that day?

11 A None, absolutely none.

12 Q What happened then, did you leave to go back  
13 to the station?

14 A Right, right. And I think I may have made a  
15 phone call at 2:00, and I don't know if it was -- it  
16 probably -- I don't know, maybe -- it had nothing to do  
17 with the Foster thing.

18 I'm still getting my messages and carrying  
19 on. I'm trying to carry on some other business also,  
20 even though this also has taken a great deal of my  
21 attention and time.

22 Q Did you report back to the chief after you

1 got back to the station?

2 A If I did, I probably would have called him at  
3 home, because you know it's pretty late in the evening,  
4 now it's 6:00 or 6:30. See, the chief leaves about  
5 3:00 every day, too. So we work hours that we worked  
6 as patrol officers, and we intend to keep those hours  
7 as we move along roll call. Like for the uniform  
8 officers come at 6:00 in the morning, many of our  
9 detectives still come in at 6:00.

10 The chief comes in early, the deputy chief  
11 comes in early. You know, I could have called the  
12 chief at home, I don't know. I don't recall anything.  
13 The only thing I can recall when I got back there that  
14 night, I did have a phone call, either I had a message  
15 to call Neuwirth or Neuwirth called me or Sloan,  
16 sometimes I get those two guys mixed up, and the  
17 subject of that conversation was were we going to be  
18 able to meet their request of getting that property  
19 back up there, and we're working on it or, yes, it  
20 like, yes, we are.

21 Because now I think to call John Rolla at  
22 home, and they figured out how we can get in and get

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1 the property. And Pete Markland, I believe, made  
2 copies of some things before we took it back up there  
3 of those documents that was in his wallet.

4 Q Right. Okay. I want to ask you some  
5 questions about that. But first you talked about --  
6 did anyone talk to Nussbaum on that first day while you  
7 were at the White House?

8 A You know, we never formally and officially  
9 interviewed Nussbaum, period. If you remember Pete  
10 Markland's report when we first interviewed Neuwirth  
11 about finding the note, Nussbaum was there and Pete  
12 pretty much says, okay, he's here, so he'll become the  
13 subject of our interview. So Pete asked him a few  
14 questions, so we had some.

15 They're a little more cooperative at this  
16 point, because there had been some negative stories  
17 running on the news, whatever interference may or may  
18 not have been returned by them. They certainly had  
19 been in the office, we learned by their own admission.  
20 So whatever they wanted to do at that point, you know,  
21 had been done.

22 In my opinion, if there was anything that

1 they wanted to do as far as trying to change the  
2 events, you know, of this thing, if they wanted to. I  
3 mean I'm not saying that they did, but, you know --

4 Q That interview took place several days later?

5 A Oh, yes.

6 Q Before you released the personal effects, did  
7 you or Markland review the papers that were either in  
8 the wallet or with the wallet?

9 A I didn't at that time. I never -- the best  
10 -- I'm almost sure I never touched a wallet. I never  
11 touched those papers. I obviously saw copies of those  
12 papers later. But Pete I'm almost sure I remember  
13 seeing him at the copy machine.

14 He was copying those papers that was in that  
15 wallet or in the bag of personal effects. I imagine we  
16 had it in some type of container. I seem to think it's  
17 probably a watch and maybe a ring or something. See,  
18 we like to take those things before the body goes to  
19 the medical examiner's office, because of various  
20 employees over there and various -- you know, they have  
21 people that clean up.

22 They have hired help that aren't medical

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1 doctors or lawyers or people that, you know, we tend to  
2 think wouldn't take something like that. But we feel  
3 responsible to get those personal effects back to the  
4 loved ones, you know, and we just do that, we like to  
5 have that.

6 Q In the ordinary course, what's the usual  
7 timing, when does the -- when does your department  
8 usually get those back to the family?

9 A You know, a lot of times that's the last  
10 thing that's on a family's mind, sometimes it's days,  
11 weeks. I mean, you know, if they're going out of town  
12 or something, maybe if they were leaving town or  
13 something, you know, we might try to hurry the process  
14 up.

15 So I can't sit here and say there was  
16 anything totally way out of line or something totally  
17 way unusual about that request, you know.

18 Q Were you at all concerned that the papers  
19 that were with the personal effects might have had some  
20 evidentiary value to the investigation?

21 A I saw Pete copying them. I felt comfortable  
22 that if there was anything that was there, we could see



1 it off the copies as well as we could see it. You  
2 know, as far as fingerprinting it, it never crossed my  
3 mind, you know.

4 Q In your experience, would the return of the  
5 personal effects to the family provide an opportunity  
6 to do some interview, follow-up interviews with the  
7 family?

8 A Oh, sure, sure.

9 Q So when you returned the personal effects  
10 quickly in this case --

11 A Well, I'm sure in my career -- I have no  
12 doubt that sometimes I've either been part of a team or  
13 had a partner that has returned stuff and taken a  
14 person's picture as evidence that they got it back.

15 Obviously, we want the photograph for other  
16 reasons, but some people have a habit or a practice as  
17 investigators of taking a picture, you know. We have  
18 our ways of getting photos from photo spreads. I mean  
19 there's different things that different investigators  
20 use to get the job done, you know.

21 Q Sure. Captain, the autopsy had taken place  
22 on that day, is that right, while you were at the White

1 House, the autopsy had happened?

2 A I know we got it moved up one day earlier  
3 than what I had been informed that it had been  
4 planned. Now, if the records say it was that day, then  
5 it was that day.

6 Q Okay. And do you recall who told you to move  
7 the autopsy date?

8 A I believe it was Major Hines asked me. I  
9 mean he didn't tell me, because I don't do that, I  
10 can't control that. I have no control of when the  
11 autopsy is going to be. He says, you know, if you're  
12 able or if you can to try to get it moved up, you know,  
13 that request came from the White House.

14 Q Did you do anything more on the Foster  
15 investigation that night when you got back to the  
16 station besides dealing with the personal effects?

17 A I don't think so. But I did say earlier, you  
18 know, now we're also dealing with Mr. Hamilton here, I  
19 think. I think I said earlier "they" I assumed to be  
20 the White House, and I want to clarify that that's  
21 still what I'm saying here, you know.

22 I'm pretty certain it was Major Hines that

1 called me, almost positive that it was Major Hines that  
2 asked me about moving the autopsy up. And I know I  
3 told Dr. Beyer it was the White House, and I almost  
4 would have to say I was almost certain that it was the  
5 White House.

6 Q Had that been mentioned to you in any way  
7 while you were at the White House on the first day?

8 A No, we never discussed the autopsy while we  
9 were at the White House.

10 Q Okay. And did Dr. Beyer have any response  
11 when you asked him to move it up?

12 A Kind of gruffly. I think he said, well,  
13 we'll have it at 10:00 or something, and we kind of had  
14 to hustle our people on over there. I don't know if  
15 that was the exact, but I know he kind of like set a  
16 time, like, okay, 10:00 then. He was very quick, like,  
17 let's get it done then.

18 I mean there was no real discussion. I don't  
19 care what the White House -- I don't remember anything  
20 like that. Even though I think one of the senior  
21 detectives says, Charlie, he doesn't care what the  
22 White House wants, you know. But he was willing to do

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1 that. I mean it was a pretty quick conversation,  
2 nothing unusual about it.

3 Q Do you know why the White House would have  
4 wanted the autopsy moved up?

5 A No, I don't know if Major Hines explained it  
6 to me, I don't recall, nothing stood out.

7 Q You don't recall any particular names that  
8 might have been given?

9 A Oh, no, no, it was White House or they --

10 Q How many times in your career has a request  
11 been given -- been directed to you to try to change the  
12 date of an autopsy?

13 A Never. I don't think I've ever had a request  
14 like that.

15 Q Did you tell -- did you have any thoughts  
16 about it? Did you think it was unusual?

17 A Well, there's a lot of unusual things. I  
18 mean this is not a normal case, you know. It's unusual  
19 having the president showing up when you're doing a  
20 death notification. I mean there's a lot of unusual  
21 things here, and perhaps we were starting to get used  
22 to them about now.

1 I had no particular thoughts or concerns. It  
2 was one thing I hurried up and did it and went on to  
3 something else. I mean it was just one of those  
4 things, make a phone call, either you can do it or you  
5 can't do it, you know.

6 Q You mentioned earlier that you had put your  
7 initials on the autopsy report, is that just standard  
8 procedure?

9 A I guess at that point those things come in  
10 days later and since James Morrisette was the  
11 detective of record at the autopsy, I want to think  
12 that he gave those -- that to me, that it had been put  
13 in his mail slot, you know, it had been mailed to him.

14 And the internal mail handler had put it in  
15 his mailbox and either he or his supervisor -- someone  
16 had routed it to me, and I may have had the case jacket  
17 at that time, you know, on my desk, because I was doing  
18 follow-up questions of those people on the telephone  
19 and things like that. I think it was August the 4th or  
20 something or whatever, it was quite a few days after.

21 Pete Markland may have gone or been promoted  
22 or transferred to the office, I'm not even sure, or

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1 gone on leave or something. And all of the assignments  
2 that the sergeant had given all of these other people  
3 had been completed, so I just went ahead and finished  
4 it up.

5 And I have a practice a lot of times when I  
6 get documents or memorandums, I initial and date it,  
7 it's a practice, and I've been doing it for years.  
8 Sometimes I forget, but normally I try to do that, you  
9 know, lets me know when it came to my desk. It doesn't  
10 mean that we got it earlier, but it's when my eyes  
11 first saw it I can usually say because of my date and  
12 initials are on it.

13 Q Okay. You mentioned you had the case file,  
14 the case jacket -- jacket on your desk. Where was the  
15 central file for this investigation maintained?

16 A Well, it's -- the detective that's handling  
17 the case we allow them to keep it on their desk. We  
18 also have a file broken down by districts in the open  
19 bay, okay, that everyone has access to. And if you're  
20 not actively working on your case, where you don't need  
21 it on your desk anymore, you can take it and put it on  
22 that file.

1 But if the case is closed and your supervisor  
2 allowed you to put it in what we call put it to file,  
3 then it comes up near the secretary's desk, which  
4 everyone still has access to, and they can put it in  
5 our file. And then we usually leave them out for a  
6 year.

7 And then every year what we do -- in January  
8 what we will do is put them back in a locked room which  
9 all of us have access to. And then eventually after  
10 several years, it will get routed up and locked in  
11 another room, you know, which anyone can request a  
12 file, you know. I mean that's the standard procedure.

13 Q So in this case was the file on Markland's  
14 desk or on yours?

15 A Eventually it came on mine, because Markland,  
16 like I said, went on leave, got promoted or transferred  
17 or whatever. And since I was doing the final follow-up  
18 work, it was on my desk, and then the file went out to  
19 that central file when we closed it out near the  
20 secretary's desk.

21 Q Tell me about the decision to have the gun  
22 which had been taken into evidence from the death scene

1 to have it fingerprinted. Do you recall making that  
2 decision?

3 A Yes.

4 Q Do you remember what day it was?

5 A I guess Simonello -- they work like 4/10 when  
6 they're on evening shift. I think they worked four  
7 days of 10 days, and they're off three days, which he  
8 could be off Thursday, Friday and Saturday, and come  
9 back Sunday.

10 Well, three days is too long on a lot of  
11 things. I don't like 4/10s. And I've been trying to  
12 change it over the last three years and been having a  
13 fight with the union, to have the new people work 5/2,  
14 work five days and two days off two. And it's too long  
15 to go without contacting witnesses and plaintiffs and  
16 things in crimes.

17 So instead of having like this big fight with  
18 the union, if Pete was off, he could have been off  
19 Thursday, Friday and Saturday, or if he was on a work  
20 day, he was off Friday, Saturday. So we decided this  
21 was on a Tuesday?

22 Q I think the death was on a Tuesday.

1       A    Okay. And I was in on a Wednesday, when this  
2 thing started going, Pete may have been on leave  
3 Wednesday and then off Thursday, Friday, Saturday,  
4 Sunday, so it was like four days. I was very unhappy,  
5 let's put it this way, that he locked the weapon up on  
6 a case that was significant. I personally did not like  
7 it, no one told me not to like it, I did not like it.

8       Q    What didn't you like about it?

9       A    Because what was important with that weapon,  
10 we needed to know were there fingerprints on it, we  
11 needed to have it processed, okay?

12      Q    What about other things you might have been  
13 able to find out from the weapon, other tests can be  
14 done?

15      A    Whatever test is appropriate when we write  
16 letters to the labs requesting forensic analysis, if  
17 our people handle it, whatever level -- they make that  
18 determination, normally it's the evidence technician.

19      Q    Simonello in this case?

20      A    Well, it would have been, if the supervisors  
21 hadn't gotten involved. He elected to put it away and  
22 go home. I don't remember anyone even getting a note

1 from him that I'm going on leave, you know, here's what  
2 I want done with this weapon.

3       I don't recall any of that, but I do recall I  
4 was very upset that he had a case of this significance  
5 and just gone off.

6       Q    And so what exactly did you order to be done?

7       A    That it be processed -- I might have used the  
8 word fingerprinting, I don't know, but I wanted the  
9 weapon processed. And I'm sure I was -- I was getting  
10 the questions from chief and the Hines had we found any  
11 prints on the gun. I mean I don't know.

12       I personally had a problem with the way the  
13 thing was handled, not saying that it wasn't some  
14 inquiries with those things, like it was about getting  
15 the autopsy moved up, you know. But there was nothing  
16 there where Hines called me and said the White House  
17 has the gun processed.

18       I mean there was nothing like that. I  
19 personally was offended by the lack of interest that  
20 Simonello showed in the case.

21      Q    When you say "process," do you mean send away  
22 to some laboratory?

1 A Whatever the technician and the supervisor  
2 determines what should be done, a lot of times they  
3 specifically determine can you determine, this, this  
4 and this and perform any other tests that's  
5 appropriate.

6 It's a standard letter to a lab, you know, to  
7 have it done. You know, what Pete was going to have  
8 done, you know, you would have to ask him. I wanted  
9 the weapon processed and fingerprints was one of those  
10 things I wanted done.

11 Q In the case of this sort or in any case,  
12 would you expect that fingerprinting would be done on  
13 site or at the lab?

14 A Well, it depends. I don't know -- I can  
15 think of -- I can't think of any cases offhand that  
16 we've asked the lab to do our prints, because we  
17 recover narcotics. We recover weapons. We can't put  
18 the narcotic or the weapons on someone, we fingerprint  
19 it right there.

20 We've made cases before we found prints on  
21 the narcotics that we recovered or on the weapons, you  
22 know. We have -- our people are supposed to be trained

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1 to lift fingerprints and stuff like that.

2 Q How does a test for fingerprints affect other  
3 tests you might want to do for the weapons?

4 A You have to ask the technician, there's a  
5 sequence of tests that don't affect the next tests.  
6 For example, looking for a fingerprints, you can  
7 Super-Glue, that's one way. You can dust, I think  
8 there's a laser now. I don't know these things, and I  
9 will get lost in there. And I'm not an evidence  
10 technician, we train our people, they're supposed to do  
11 it.

12 Q Did you direct a certain method of printing  
13 to be done in this case?

14 A No. You know, I can't sit here and tell you  
15 I used the term "processed" or I used the term  
16 "fingerprinted" or anything else, I just said I wanted  
17 the weapon processed, you know. I didn't say, you'll  
18 do it this way, this way or this way.

19 Q Simonello has testified that he had put the  
20 gun in paper for safekeeping because he thought that a  
21 certain order of testing should be followed, and that  
22 order included testing the gun for a lot of different

1 things. And it was his further testimony that he felt  
2 that testing for prints would destroy the ability to  
3 test for other things on the gun.

4 Do you agree with that statement?

5 A I have no reason to not agree with it. I  
6 don't know enough about testing things that, you know,  
7 if you do something you might mess up a different --  
8 another test. And I know that from a vehicle that we  
9 seized one time and we processed and I talked -- you  
10 know, I talked to an FBI agent one time, and he asked  
11 me did we use the method where you have narcotics and  
12 they have been transported in the vehicle, and I said,  
13 well, let me check with the technician, because I don't  
14 know that much about it.

15 So I checked with one of the technicians. He  
16 said we can't do it, we've Super-Glued it, we've  
17 sprayed the Super-Glue, as I remember it, inside the  
18 entire vehicle. You know, they had it in a processing  
19 facility and -- so, yes, I know there's -- I know  
20 enough about testing that sometimes if you do one test,  
21 you might not be able to go back and get an opportunity  
22 to do another test. So, yeah, I don't take any

1 exception to that, that's not where I have a problem  
2 with it.

3 Q Well, do you recall having a conversation  
4 with Officer Simonello or -- Technician Simonello after  
5 this, after he came back to work?

6 A I'm sure at some point I did, you know, I  
7 don't remember all the substance of the conversation.  
8 I know I went to his supervisor trying to find out why  
9 he went off on leave and left his job not finished, and  
10 that's what he did. And I'm still bothered by that.

11 Q Do you know who actually did the printing?

12 A I'm pretty sure it was Eugene Smith.

13 Q Did you deal with him directly or did you  
14 deal with the supervisor?

15 A Normally if a supervisor is available, I'll  
16 deal with the supervisor. If no supervisor is  
17 available, then I would deal directly with the  
18 individual. I'm not sure to be honest with you.

19 I can remember having some conversations with  
20 the sergeant, but, you know -- and also Sergeant Rule  
21 about the gun. The ID technician sergeant is Sergeant  
22 Loston and the sergeant of major crimes that I was

1 dealing with was Sergeant Rule, whether I talked to  
2 both of them or one of them, you know, I don't recall.

3 The clearest thing I remember about that  
4 whole thing is Simonello taking leave or going off on  
5 his days off without finishing his job, in my opinion.

6 Q Do you recall Officer Smith ever approaching  
7 you and telling you that he didn't want to -- didn't  
8 want to do the testing until Simonello returned or  
9 until other types of tests could be done to the gun?

10 A No. I'm not saying he didn't. I just don't  
11 recall it, and personally I wouldn't really care,  
12 okay? Each technician is trained, each technician  
13 should be available to make sure that the tests are  
14 performed, okay?

15 Eugene Smith may have complained because he  
16 had to do someone else's work, yes, that's possible, I  
17 ignore it, and I will continue to ignore those things.  
18 You know, it's my job as a captain or a supervisor to  
19 see that a job is done. And if Simonello was sitting  
20 here telling you he's a better technician than Smith  
21 and he should have been allowed to do that, you know, I  
22 got nothing to say about it.

1 Q Do you ever recall -- Officer Simonello did  
2 not testify one way or the other with regard to  
3 Officer Smith and how the tests were done.

4 My question to you is, Officer Simonello  
5 testified that he had a conversation with you at some  
6 point about his concerns about the sequence of tests  
7 that were done on the gun in this case. Do you recall  
8 that conversation?

9 A The best I recall I'm sure he tried to turn  
10 it around. And what I mean by that is, I made it very  
11 clear to his supervisor I was unhappy, and I made it  
12 very clear to his lieutenant. And his lieutenant was  
13 as I recall also unhappy, that's Lieutenant Kass.

14 And, you know, we know our personnel and we  
15 know in dealing with them what we can expect and not  
16 expect. Remember I told Glenn earlier we have some  
17 people who put in eight hours and others will put in  
18 time and get the job done.

19 Well, in my opinion, Pete Simonello should  
20 have put the time in, and if he felt that strong about  
21 that and he was that interested in his job of getting  
22 that weapon processed, then, A, he could have left a



1 note, B, he could have stayed and done it or, C, he  
2 could have come back the next day and done it himself,  
3 because there's a lot of other avenues other than just  
4 putting it in there and going home.

5 Q Do you ever recall talking to Technician  
6 Simonello about pressures, time pressures to get things  
7 done or pressures from the White House or any other  
8 government agency?

9 A Look I can remember -- and I think it was a  
10 sergeant. I said I want the car processed. Well, why,  
11 you know, we have -- like I say, we have some people  
12 you've got to oversee, make sure they do the job.  
13 We've got others that will do it A to Z, cross every T,  
14 dot every I.

15 And that's another reason that I wanted to  
16 get this death investigation manual put out so we have  
17 things in writing, you know. It's not that we have a  
18 serious problem; we don't. It's just like any other  
19 office or any other operation, but there's certain  
20 people that have been in there a long time and take  
21 shortcuts and skip steps and things, and what happens  
22 we get questions like this that's sometimes difficult

1 to answer, maybe the outcome will be the same or the  
2 results will be the same, but it's still embarrassing  
3 to someone.

4 But now I have it in writing, and if we don't  
5 follow on procedures, you know, then we've got a  
6 problem.

7 Q In this case, do you know whether there were  
8 any follow-up tests for any other material on the gun  
9 after the --

10 A Right, it was sent to ATF.

11 Q And do you know whether the fingerprint test  
12 affected -- the tests for latent prints affected  
13 whether or not tests for other matter could be  
14 determined?

15 A Apparently not. The FBI found DNA on the end  
16 of the gun that matched Foster's if I remember from  
17 reading the report, so I'd say have to say, no, it  
18 didn't.

19 Q What about in the context of the Park Police  
20 investigation?

21 A We didn't do a DNA test. So if we did it, I  
22 would still have to say the same thing, no, it wouldn't

1 have affected it.

2 Q Do you know when the gun was sent or do you  
3 recall when the gun was sent off for analysis to the  
4 lab?

5 A To ATF or the FBI?

6 Q ATF.

7 A No, but we would have reports on that. I  
8 know Pete and I had a discussion on that, and it was  
9 decided that we would send those, you know, all the  
10 clothes and different things like that. And I'm sure  
11 that I reviewed the request of the things that we would  
12 -- as a matter of fact, I had conversations I think  
13 with some of the lab people technicians.

14 MR. DARMER: I'm going to hand you a  
15 document, if you could mark it also on the back.

16 (Hume Deposition Exhibit Number 2 was marked  
17 for identification.)

18 BY MR. DARMER:

19 Q Do you recall ever seeing that letter?

20 A Oh, yes, I've seen it.

21 Q Is that the letter you're talking about that  
22 sent the gun to the ATF lab for analysis?

1 A Right, that would be the one.

2 Q Is that the date, the date on the front  
3 that's stamped, I think it's August 12th?

4 A Yes, but now whether it was taken up on that  
5 day or the next day or -- well, this guy came down and  
6 picked it up, you know, I want to think that ATF came  
7 down and picked this up, one of the agents.

8 Q Would it have been before the date on the  
9 letter?

10 A I wouldn't think so.

11 Q Why would --

12 A I would think it was this date or sometime  
13 afterwards, I would think now, okay.

14 Q About how long does the analysis usually take  
15 to get back?

16 A It depends. I don't think there's any set  
17 rule on how long it takes.

18 Q Do you recall a rush being put on in one?

19 A Well, I can remember having some telephone  
20 conversations with the people at ATF, but I don't  
21 remember a time frame, I really don't, you know. This  
22 was just at this point I think we were -- we may have

1 even closed the case, but I'm not sure.

2 Q Do you remember what date the case was  
3 closed?

4 A No, but it would be on the report.

5 Q Why would -- why would the analysis,  
6 laboratory analysis be sought after a case is closed  
7 if, in fact, the case was closed before the date of  
8 this letter?

9 A Because the evidence -- we felt I think at  
10 that point the evidence was strong enough to support a  
11 finding of suicide based on the interviews up to that  
12 point, based on how his body was found, all the  
13 evidence that was recovered from the scene and also the  
14 medical examiner's ruling.

15 Q Is that standard operating procedure not to  
16 await the results of --

17 A We've done --

18 Q -- the results?

19 A We've done it before, right. I think we've  
20 had cases because some of these things take so long.

21 Q Is it possible to put a rush on them?

22 A I guess we could ask a rush, but it's not

1 possible I don't think for us that we would get  
2 anything back any quicker because it's the Park Police,  
3 you know, we might have gotten something done quicker  
4 on this. Because of the -- we might have got something  
5 back quicker on this, because of, you know, who it  
6 was.

7 MR. DARMER: I will hand you that document.

8 (Hume Deposition Exhibit Number 3 was marked  
9 for identification.)

10 BY MR. DARMER:

11 Q Would you take a look at that letter,  
12 Captain?

13 (Witness reviews the document.)

14 Do you recognize that document?

15 A Well, it looks like a copy of the response  
16 back from the ATF.

17 Q Can you tell by that letter how -- what the  
18 turnaround time was for the analysis?

19 A I'm not sure. It looks like August the 17th,  
20 at least that's what the report says, but it says the  
21 evidence was received on August the 16th.

22 Q Who would have been in charge of deciding

1 when or who would have sent the evidence to be  
2 analyzed?

3 A Who would have sent it?

4 Q Who would have been responsible for sending  
5 the evidence?

6 A Well, just like John Rolla was the  
7 investigator on the scene with the body that night that  
8 handled the personal effects and what we call roll the  
9 body, in other words, he was the one that wrote the  
10 scene report on the condition that he found the body  
11 in.

12 Pete Simonello was the evidence technician  
13 that received the evidence and processed it from a  
14 technician's point of view. Now, keep in mind the way  
15 our regulations read, the detective is in charge of the  
16 scene; the technician basically performs those tasks  
17 and duties that the detective wants. The technician is  
18 there to support and assist, but he's not in charge of  
19 that scene, okay?

20 Q Do you know when ID Technician Simonello was  
21 asked to send the evidence to the lab for testing?

22 A When he was asked? I think it was -- I think

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1 at this point in time we had gotten past the fact that  
2 he put the gun away and hadn't had it processed. Now  
3 we're discussing this thing more -- well, like we're  
4 sitting here talking today, he's kind of briefing me.

5 And I can remember Pete giving me some  
6 questions and he listed all the items of the evidence  
7 and things like that, and there was some various  
8 questions.

9 Q What kinds of questions?

10 A I guess about the blood transferring and  
11 about his glasses being a distance away and different  
12 things like that that from a -- what can the lab do to  
13 help answer these questions, I guess. And -- well, you  
14 can see from the questions here or you can see from the  
15 questions what we were trying to determine.

16 Q So you helped develop these questions in  
17 tandem with Simonello?

18 A No, I don't think I really did.

19 Q Would Rolla have been involved in this  
20 process?

21 A No, I think the technician people, Pete,  
22 maybe his supervisor. I mean we could have had some

1 discussion about that; but, normally, you know, the  
2 letter is drafted probably by Pete or maybe in  
3 conjunction with his supervisor.

4 Q Who would be an ID tech supervisor?

5 A Right. And he would also be a technician.  
6 He's been also trained, and I think, yes, he is a  
7 technician also as well as a supervisor.

8 Q Why wouldn't the detective in charge of the  
9 investigation participate in this process?

10 A Well, I'm not going to say that he didn't or  
11 couldn't, but the ultimate responsibility I think  
12 probably would lie with the technician, because he  
13 knows what the lab is capable of, he knows -- he's  
14 capable of.

15 Q So the detective in charge of the crime scene  
16 investigation doesn't direct the activities of the ID  
17 unit?

18 A Well, he could. You know, if the ID guy says  
19 I'm not going to take pictures, I'm not going to  
20 fingerprint the body, I'm not going to take that  
21 evidence, the detective says, yes, you are. Of course  
22 if we couldn't resolve it, we would get a supervisor to

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1 resolve it.

2 Q But in terms of timing, is your point that  
3 the timing in terms of sending this analysis to the lab  
4 is strictly in the control of the ID tech unit?

5 A Unless myself or someone else told him to do  
6 it earlier.

7 Q Did you ever tell him to do it earlier?

8 A No, I don't think so, the best I recall.

9 Q Did Markland --

10 A The only -- I don't think so. The only thing  
11 of contention that I remember was the time being  
12 processed that that was an unacceptable time period in  
13 a case that's drawing this much attention and all the  
14 questions that we're getting.

15 I don't recall this being an area of  
16 contentional problem. This is kind of like I guess,  
17 you know, the cake is baked now we've got to put the  
18 icing on it, you know?

19 Q Once the prints were tested and done, would  
20 you have expected that these tests would have been done  
21 soon thereafter, shortly thereafter?

22 A Well, soon thereafter, shortly thereafter

1 this is soon, shortly thereafter. I've seen months  
2 later when we've done some.

3 Q What about in a high pressure, high profile  
4 case like this one?

5 A If we had nothing else to do but this case,  
6 maybe you got a point, but we had other cases. This  
7 was not the only case we were working. We had a lot of  
8 other cases going on, a lot of other things going on,  
9 you know.

10 Q Isn't it somewhat unusual that the request  
11 for laboratory analysis wasn't even sent until after  
12 the investigation was closed?

13 A Is it unusual you said?

14 Q Yes. Does that strike you as unusual?

15 A No, I can remember a case that was months  
16 later before it was sent, different things happen.

17 Q What's the point of sending something for  
18 analysis at a lab if you're already closed the case?

19 A A, it can substantiate what already shows us  
20 or if it comes back something as a fluke or something  
21 unusual, then we can go back and examine that and try  
22 to clear that up and try to explain it.

1 Q Have you ever reopened a case based on late  
2 received laboratory analysis?

3 A No, I haven't, no.

4 Q When did you, you -- and by "you," I mean the  
5 Park Police, learn of the note that was apparently  
6 found in Foster's office?

7 A I got a page at home one evening, and that is  
8 in Joe Megby's report, because I had him go up to the  
9 White House and pick it up.

10 Q Who is Megby, by the way?

11 A Joe Megby, he's a detective.

12 Q Under your supervision?

13 A Right, right. And the reason he got sent up  
14 to the White House last night -- I mean that night is  
15 he caught the phone call when I called in. Margolis  
16 paged me, and I called Margolis, and he said they got a  
17 note to turn to over to you at the White House or  
18 something to that effect.

19 I don't know exactly what all the  
20 conversation was with him. And so I called the  
21 office. I sure as hell wasn't going to drive in from  
22 Charles County to go pick up a note up myself while I

1 had people to do this.

2 Q Do you know what day this was?

3 A No.

4 Q Was it several days after --

5 A Yes, probably; that's correct, probably the  
6 following week. I don't think it was even the same day  
7 or -- week of his death. I think that's right. Since  
8 I got Debra Gorham mixed up, I'm not even sure.

9 But, yes, I think it was the following week,  
10 I get this page and I call Margolis, and he says they  
11 have a note up at the White House, okay. Basically  
12 there's someone up there to get it.

13 Now, I don't think he said send someone, I  
14 think he said go up and get it. I said thank you very  
15 much, end of conversation. I call the office and poor  
16 Joe Megby just came back from the rest room and caught  
17 the phone call, and he and maybe one other detective  
18 was working that night.

19 And I gave him instructions to go up there,  
20 and they would take care of security for him, and all  
21 he would have to do and they would know the detective  
22 was there, and maybe Margolis maybe said he would

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1 handle the entry since he had some of his senior staff  
2 on the site.

3 So there was quite a crew up there that  
4 night, as you recall. So Joe Megby goes up. I send  
5 him up, and then I instructed him to get the note. I  
6 think I told him to put it under my door, because my  
7 door is locked in my office, and I would take care of  
8 it the next morning.

9 Q How did he -- how did Megby receive the note,  
10 in what form?

11 A Twenty-seven pieces I believe.

12 Q In an envelope?

13 A I want to say yes. I don't know -- I think  
14 the best I recall I think it was like maybe in a  
15 plastic bag, but it may have been an envelope. That  
16 should be somewhere in the reports or reflected when  
17 the technician received that.

18 I think that's when I turned it over to the  
19 technician, because I didn't touch the note, because we  
20 wanted to process the note for fingerprints, but we  
21 never did. We did handwriting analysis. But see we're  
22 doing that in order, we're going to do the handwriting

1 analysis.

2 Q Why do you do the handwriting analysis before  
3 fingerprints?

4 A Because the -- I think it's called the Hydrin  
5 or something, it makes the paper turn purple or black.

6 Q Is it, the Hydrin, used in fingerprint tests?

7 A To lift fingerprints off of a paper or iodine  
8 or something, I don't know. Some chemical is applied  
9 to that paper, it's going to change color and so forth  
10 on the paper, and that's why you do the handwriting  
11 first. It kind of helps to answer one of your earlier  
12 questions, there is some sequence to why you do these  
13 things.

14 Q Right. Did anyone ever explain to you the  
15 possession, the chain of custody with respect to the  
16 note up to the time that the Park Police received it?

17 A I think probably when Pete and I went back  
18 and talked to Steve Neuwirth, I think we got some idea  
19 of what -- idea of what he told us anyway. I mean it  
20 wasn't a chain of custody like you think of evidence  
21 that's in the care of the police where it's signed from  
22 each person to each person to each person to each

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1 person, you know.

2 I remember probably, you know, I could say I  
3 got it from Joe Megby or, you know, because it was put  
4 under my door, and Joe can testify he put it under my  
5 door. Joe could testify he got it from Nussbaum or  
6 Neuwirth, who the hell ever gave it to him.

7 And I can certainly tell you who I gave it  
8 to, because it's in a report or signed on a sheet or  
9 something, I'm sure that's in a record, you know,  
10 because I gave it to one of the technicians, it may  
11 have been Pete Simonello.

12 Q But did Neuwirth ever explain to you everyone  
13 at the White House who might have had it?

14 A I think he told Pete and I that he took the  
15 pieces and he put them on the table and apparently put  
16 them back so they could read it, and then I think he  
17 called everyone he could get in there to look at  
18 eventually what appeared to be a note.

19 So when we back up, Pete said there's two  
20 obvious questions, A, why didn't you find the note in  
21 the office that day and, B, why did you take so long to  
22 call us after you found it?



1 Q And what were the answers?

2 A Mr. Neuwirth says, well, you know, I went in  
3 to do an inventory, and I was going to take the best  
4 -- I was going to take this briefcase that I found the  
5 note in, these pieces of notes, torn up paper and I was  
6 going to put some of his things, his pictures and  
7 things, personal properties inside of a big box; here's  
8 a thing to already put them in.

9 And then he got distracted, and he had to go  
10 take care of something else. And he came back in later  
11 to continue. And when he got the case, he turned it  
12 upside down or he laid it on its side which caused some  
13 pieces to fall out or something and then, of course, he  
14 continued to look and found them.

15 And then he took it into Nussbaum's office, I  
16 believe he explained and laid them out on the table and  
17 put them together. But my recollection is quite a few  
18 people saw that, maybe the president was out of town,  
19 and he waited until he had come back and maybe even let  
20 the Foster family see it, but I'm not sure.

21 I know the reason why they didn't turn it  
22 over to the police was that they felt it was important

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1 that quite a few people got to see it first.

2 Q Did Markland recall seeing that briefcase in  
3 the office of Foster?

4 A I recall seeing it also. You would have to  
5 ask Pete -- yes, Pete did, because I'll tell you what,  
6 when I saw Nussbaum reaching down to pick up some  
7 stuff, I looked over at Pete where I was sitting. I  
8 couldn't -- you know, I couldn't tell where Nussbaum  
9 was reaching.

10 And if I remember, the desk, you know, you  
11 could see people's feet under the desk, it was one of  
12 those desks that have the well or whatever you call it,  
13 or something like that.

14 And I think if I remember correctly, I could  
15 see a little bit of the briefcase, too. Eventually I  
16 did see it. Eventually he picked it up and sat it up  
17 against the wall. Like he's sitting here, and he sat  
18 it back against a wall.

19 And, so, yes, Pete did see the briefcase. He  
20 said don't worry, Charlie, I see where he got from, but  
21 he did see it.

22 Q But you never looked in it?

- 1 A No, neither did Pete. I didn't that day.  
2 Not that day. I did another day. I was looking for  
3 something else, the 28th day I got to touch it, look at  
4 it.
- 5 Q Did you do it in the White House?  
6 A Yes, I did it in the White House.
- 7 Q Did anyone ever consider testing the  
8 briefcase for prints?  
9 A No, I don't think you could get prints off of  
10 it anyway, and I don't know what good that would have  
11 done quite frankly.
- 12 Q Did you find the 28th piece in the back?  
13 A No, I think I may have seen a paper clip or  
14 something, but that was all.
- 15 Q Tell me what the Park Police did with the  
16 note once it arrived under your door, what you were  
17 aware of.
- 18 A My best recollection is I turned it over to  
19 the technician and there was some discussion, and that  
20 we were doing a handwriting analysis and then we would  
21 print it for fingerprints.
- 22 Q How did you select the handwriting analysis?

- 1 A I think Pete made that selection. He knew  
2 the technician up at the Capitol, you know, I can  
3 remember some discussion. I don't know what point or  
4 whatever. But, you know, we used ATF for the gun.  
5 We used the Capitol for the handwriting, and  
6 I don't know if this was after the fact or what, but it  
7 was explained to me the reason they wanted to use those  
8 technicians was because, you know, the one statement in  
9 the notes was something that the FBI lied, and I think  
10 it may have been Pete and his supervisor, I don't  
11 know.
- 12 But the decision, you know, was made that we  
13 wouldn't send everything to the FBI, you know, we use  
14 other labs and other experts.
- 15 Q Did you decide that amongst yourselves or did  
16 you ever talk to your senior officers about that?  
17 A You know, I don't recall. At the time later  
18 someone might have asked me why did we send it to the  
19 ATF or the Capitol Police instead of the FBI, to be  
20 sure, I'll be quite honest, I don't remember.
- 21 Q You referred to Pete a couple --  
22 A Pete Simonello.

1 Q That's who you're referring to?

2 A Right. I think it was Pete's idea to use the  
3 Capitol handwriting, Capitol Police Officer handwriting  
4 technician, maybe they were colleagues or attended  
5 school together or were friends or had some kind of  
6 working relationship, I'm not sure.

7 Q How did you decide -- how did you decide to  
8 go look at the briefcase after you had gotten the note?

9 A Well, we had -- I guess Joe Megby when he was  
10 up there probably said the guy wants to interview maybe  
11 Pete and Charlie, I don't know. But something was said  
12 and the next -- the very next day we didn't go back, I  
13 don't remember why.

14 There was other matters that we had to attend  
15 to. I don't know if they were Foster matters or what.  
16 But I think it was -- it was sometime -- it was either  
17 two days after or -- I would have to look at all the  
18 reports. But it was some time later, and it wasn't the  
19 next day. I'm not sure.

20 It wasn't the next day that we went back up  
21 there to talk to Steve Neuirth, and that's when  
22 Nussbaum was in that office. And that's when Pete put

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1 in his report that Nussbaum then became a subject of  
2 the interview and, you know, it was more of a  
3 freeflowing sort of a conversation.

4 Q Among the three?

5 A The four of us.

6 Q The four of you. Did you make the request to  
7 look at the bag at that time?

8 A Yes, I asked him if I could see it, because I  
9 said maybe the 28th piece got hung in there or  
10 something like that, you know.

11 Q You mentioned Pete again, you're talking Pete  
12 Markland?

13 A Pete Markland.

14 Q I will try to remind you so the record is  
15 clear.

16 A Okay.

17 Q And did they immediately -- did Nussbaum and  
18 Neuirth agree to your request?

19 A Very cooperative at that point, yes.

20 Q And where did you look in the bag?

21 A At Mr. Nussbaum's office.

22 Q Did you have a chance to feel it and turn it

1 over?

2 A Yes, I touched it, looked in it, pulled it  
3 over. It's one of these satchels, you know, it's like  
4 this wide at the bottom, and then it comes up to the  
5 top, and the two handles pull it open. It's soft, like  
6 a valise or something, I don't know.

7 Q Does it have compartments inside?

8 A I don't think, I think it just opens up. If  
9 it does, it's only one. It's open view, man, if you  
10 look down in that sucker. I think there was a paper  
11 clip in it, and I saw it quite clearly.

12 Q Does it look like the kind of briefcase that  
13 a note can be lost in?

14 A This is a opinion that you're asking me?

15 Q Whatever.

16 A My opinion, if I looked in that bag, I would  
17 have seen a torn up note in it, especially if I had  
18 just pulled the papers out and put them out on the  
19 desk.

20 Q Do you believe that the note was found in the  
21 bag?

22 A You know, I got to the point where I don't

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1 know where -- I don't know what I believe and what I  
2 don't believe anymore.

3 Q In your experience as a trained detective, do  
4 you believe that the note was found in the bag?

5 A I believe as a trained detective or if I was  
6 looking for that note or searching that bag for any  
7 evidence, I would have found the note, yes.

8 Q Doctor -- I'm sorry, Captain, were you  
9 -- it's all blurring.

10 Were you aware that no X-rays were taken at  
11 the autopsy?

12 A I may have learned something about that  
13 somewhere during the Fiske investigation or after the  
14 investigation, maybe I read that in the Fiske report.

15 Q Maybe it --

16 A I am aware of something about X-rays in the  
17 autopsy, and it may be in that book, the blue book.

18 Q It may be. In your experience as a trained  
19 detective, are X-rays ordinarily done in autopsies  
20 involving a violent death?

21 A The best of my recollection, you know, I'm  
22 sure that's a medical -- it's an area that -- I would

1 think it would be appropriate, let me put it that way,  
2 because of bullet fragments and whatnot. But the  
3 X-rays -- having to cut and look and probe and look, I  
4 think that an X-ray would be appropriate, but I don't  
5 think that's the police call, I think that's the  
6 medical examiner's call.

7 Q In your experience, did you have to request  
8 that certain procedures or tests be used in medical  
9 exams or Dr. Beyer to do them?

10 A I'm sorry, start that again.

11 Q Did you ever have to ask Dr. Beyer to do a  
12 certain kind of test or take an X-ray, for example?

13 A No. The only thing I asked Dr. Beyer if he  
14 could move up the autopsy to get that done as soon as  
15 possible.

16 Q In your experience, does the autopsy report  
17 usually contain some estimate of a time of death?

18 A No, I don't think so. Time of death is when  
19 the person was last seen alive, when he was found dead,  
20 that's your time of death. You know, you can do the  
21 temperature, the body or maggots or flies or insects,  
22 you know. There are certain people that study that.

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1 It's only -- I think it's a science in  
2 itself, but I'm telling you now, the average medical  
3 examiner, in my opinion, is going to tell you when he  
4 was seen alive and when was he found dead. And, you  
5 know, I don't think they're going to tell you within an  
6 hour. I just don't believe that's going to happen.

7 Most all of my training and experience  
8 indicate when they were last seen alive, when their  
9 body was found and what condition their body was in,  
10 you know. That's the best answer I can give you.

11 Q Okay. Let me ask you some questions about  
12 some of the follow-up you did on friends of or  
13 acquaintances or associates of Mr. Foster other than  
14 the White House interviews you've described.

15 Do you recall trying to contact Mr. Lyons,  
16 Mr. James Lyons?

17 A Yes.

18 Q And how did you come to contact him?

19 A Well, when we had gone back up and saw --  
20 when we had gone back up and met with Cliff Sloan over  
21 at the EOB to look at little message notes and also the  
22 phone log -- now that phone log is his -- the way that

1 works, at one point in time when they first -- these  
2 people first started working there, you know, the  
3 Clinton Administration, they would have these little  
4 yellow message slips, you know, that we all have in our  
5 office; you write a note, so-and-so called at a certain  
6 time. You tear that off, and you put it on a person's  
7 desk or give it to him or put it up on a message board  
8 or something.

9 And then they went to a method of either  
10 computer or typewriter, I'm not sure, you know, that  
11 so-and-so called at said time, has a return thing,  
12 that's what the phone logs are.

13 Q So it was computer generated?

14 A I think it was. Now, if I called you and I  
15 got put through to you, then this didn't indicate it on  
16 this record. This is only if I called and you were  
17 away from your desk or you were on another call, that's  
18 what that is.

19 That's all I got to see. I looked at those,  
20 and on that log for July the 20th, 1993, there were  
21 several names on there of people that called. Now,  
22 remember Mr. Foster is away from his desk that morning

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1 now; remember he was away from his desk in the Rose  
2 Garden for that ceremony.

3 And we started learning that Mr. Foster was  
4 returning his calls, and how I learned that was one of  
5 these people I spoke to, maybe it was like a secretary  
6 or something, one of these people said that Mr. Foster  
7 had returned this individual's call, but this  
8 individual stepped away from his desk.

9 And I think Mr. Foster, based on what she  
10 told me, made a statement like can I get back with him  
11 tomorrow or something like that, that's what led me as  
12 an investigator to believe that Foster did start  
13 returning some of his calls because of that one  
14 individual. So I telephoned three of these people, I  
15 think it was Brant Buck maybe.

16 Q Brantley Buck?

17 A What is it?

18 Q Brantley Buck.

19 A Brantley, Brant. I think on the note it may  
20 have said Brant Buck, but I'm not sure, Jim Lyons and  
21 there was a third person, a third attorney, I believe.

22 Q Gordon Rather?

1       A   Gordon Rather, right. And I either spoke to  
2 those individuals or some secretary, someone in the  
3 office. And if I remember correctly, he had only  
4 returned a call that I could determine to one of those  
5 people, and some of the other people that were on the  
6 list were people in his office.

7       Q   Which one did you learn he had returned a  
8 call to?

9       A   It wasn't -- I don't think it was Jim Lyons,  
10 so it either had to be Brant Buck or Gordon Rather.

11      Q   Did you reach Jim Lyons?

12      A   I tend to think I did, but, you know, I would  
13 have to look at my reports to tell you 100 percent  
14 sure. I believe I did get a hold of Lyons, because I  
15 remember him explaining to me that I talked to him and  
16 I talked to him on Sunday, and I told him I would be in  
17 Washington and that -- but they didn't finalize the  
18 final plans in the way that Lyons explained it to me.

19           As I understood it was that he would call and  
20 call Foster on the 20th to finalize his arrival,  
21 probably on the 21st maybe, if I remember correctly.

22      Q   Did he tell you what they were going to be

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1 meeting about?

2       A   Well, he mentioned some business, but he  
3 didn't dwell on that too much. He didn't tell me what  
4 business it was.

5       Q   Did you press him on it?

6       A   The best that I could. I mean I'm on the  
7 telephone now, he said -- but it was mostly I think  
8 maybe they had a bet, something to do with a sporting  
9 team or something, and there was a lunch, to get  
10 together for a lunch, I believe.

11           And apparently they had known one another  
12 maybe back from the days of the Rose law firm or  
13 something. But I'm not real clear on that because like  
14 I said there was three of them.

15      Q   So Lyons didn't discuss any specific --

16      A   No, he never said.

17      Q   -- issues?

18      A   I can't discuss this, I'm Mr. Foster's  
19 lawyer. I didn't learn that until later. Well, I'm  
20 not even sure he was his lawyer, but I think he might  
21 have been contemplating him as a lawyer, and I think I  
22 kind of got that out of the FBI's report, too.

1 Q Did you do any kind of background on Lyons  
2 before you called him?

3 A Well, I know I had the name of his law firm.  
4 No.

5 Q So you didn't know that he had done work for  
6 the Clintons during the campaign, for example?

7 A Right, I didn't know that. I didn't even  
8 know that he told me that; if he did, it would be in my  
9 notes in my report, but I don't recall him telling me  
10 that.

11 Q Did he mention that he had done anything with  
12 respect to Whitewater ever?

13 A I didn't know that term Whitewater.

14 Q Did he mention any names or proper names or  
15 business names on the phone call that you recall?

16 A No, not Lyons. I think one of the lawyers  
17 mentioned some kind of professional society, but -- and  
18 I wrote that down, but I don't remember what that was.

19 Q When you were in the course of your  
20 investigation at the White House, did you press to get  
21 information concerning outgoing calls from Foster's  
22 office on or around the -- on or around the time of his

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1 death?

2 A Well, we questioned Sloan, Cliff Sloan, when  
3 we went up to look at these logs, you know, he  
4 appeared. He didn't understand my questions. He would  
5 have to get on the phone and call Nussbaum before he  
6 would release anything. I think he called Nussbaum to  
7 get clearance.

8 Q Did you try to talk to Nussbaum directly?

9 A Not on that day, no.

10 Q I mean, for example, you and I both know that  
11 you can get -- if you have a long distance line, you  
12 get a long distance bill that indicates phone calls  
13 made from a particular phone.

14 A Right. I will tell you what, because -- and  
15 I know very little about the Nixon tapes, okay. I  
16 thought that every call was recorded, and I thought  
17 that's what we were getting when we were getting phone  
18 logs.

19 I didn't realize it was just a message thing,  
20 you know, so-and-so called while you were out. I  
21 thought there was something there that, you know,  
22 everything was recorded and we would know to everyone,



1 you know, to whom you spoke that day that we could get  
2 some information like that.

3 And I don't know what made me believe that,  
4 whether it was the Nixon thing, you know, or I thought  
5 when I was talking to the Secret Service people, you  
6 know, because we talked about the alarm thing. I think  
7 they gave us a copy of the alarm system, and we could  
8 see some movement in there that night --

9 Q What does that mean?

10 A -- in Foster's office.

11 Q The alarm system --

12 A Well, you know, say, if Bernard Nussbaum was  
13 the last one to leave that suite of office that night,  
14 he would be responsible for setting the alarm or having  
15 someone come and set it. I mean I don't know how that  
16 works, you know.

17 I know when we used to have our office alarms  
18 when I was with internal affairs, if I was the last one  
19 to leave, then I push my number in and that set the  
20 alarm. You would go down on the computer the next day,  
21 pull those records and they can say, okay, Charlie  
22 because of his personal PIN number or whatever, he's

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1 the last one that closed up.

2 And, for example, we're still working in  
3 summer till 7:00 clock and the computer alerts you at  
4 6:00, because that's how we have it set, that, you  
5 know, someone is still there. The communication people  
6 would call the office or we were supposed to call them,  
7 like if you get an alarm, we're still over here  
8 working. I mean that's kind of the way the alarm  
9 systems works.

10 Q Were you comfortable that Cliff Sloan or even  
11 Bernard Nussbaum was the appropriate person to be  
12 talking about the White House communications  
13 operations? I mean --

14 A You know to this day I still don't know how  
15 it works. I still don't know if there's more  
16 information available, it's never been made clear in my  
17 mind.

18 Q No one ever told you definitively that there  
19 was never a log of all outgoing calls, for example,  
20 from the White House like a phone bill?

21 A I don't know if one of those Secret Service  
22 guys, but -- this guy Flynn, you know, I think he's the

1 one that helped us by getting us that floor plan that  
2 we have in the case jacket, and the alarm you can  
3 hardly read it, it's so light, I remember.

4 I don't know if you all got a copy that you  
5 could read or not, someone may have tried to clear it  
6 up. In my mind, it's really not clear to this day if  
7 there's more information that was there. I have great  
8 confidence in Mr. Fiske that he will find that out.

9 Q Are you familiar with the electronic mail  
10 system that's used in the White House?

11 A No.

12 Q So you don't know whether you got a copy of  
13 electronic mail messages that Foster might have  
14 received or sent on the day of his death or before?

15 A No.

16 Q Captain, you mentioned a message log that you  
17 were provided at the White House. Do you ever recall  
18 getting a phone log, a separate phone log that was  
19 different?

20 A Well, I mean, message log, phone log, I  
21 mean --

22 Q Are you using the terms interchangeably?

---

1 A I am.

2 Q Did you get anything maybe a couple weeks  
3 after that or anything substantial into the  
4 investigation that sounded somewhat different?

5 A No.

6 Q Do you recall ever getting a copy of the --  
7 of a vehicle log or an entry log to the White House  
8 grounds?

9 A No.

10 Q Do you know if one existed?

11 A No, I don't.

12 Q Okay. So you never could ascertain from the  
13 White House exactly the time Foster left the premises  
14 in his car?

15 A That's right. I mean the only thing I think  
16 we were able to ascertain was around 1:15, and that was  
17 I think talking from Ms. Korn and Ms. Ponds.

18 Q But no guard marked him out at some point?

19 A Not that I'm aware of.

20 Q Do you know if Mr. Foster had a private phone  
21 line in his office?

22 A No, I don't know.

1 Q Did you ever consider or did the Park Police  
2 ever consider or attempt to get phone records from the  
3 Foster home?

4 A No.

5 Q What about doing a search of the Foster home?

6 A No. As far as I know, that was never  
7 discussed at my level anyway.

8 Q Would you have considered that in an ordinary  
9 suicide case?

10 A No.

11 Q Why is that?

12 A Because most of the times the relatives are  
13 more than cooperative, we explain to them what we need  
14 to accomplish and we do it.

15 Q What about in a case where the relatives  
16 aren't particularly cooperative?

17 A My recollection, you know, to be honest with  
18 you, I don't recall. And as many people that work  
19 homicide or death investigation every day, you know, we  
20 work many crimes, you know, they may have a different  
21 experience. But I've never had a situation where  
22 people didn't try to cooperate and assist in helping

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1 find out what happened to the loved ones.

2 Q Did you ever try to get around Lisa  
3 Foster --

4 MR. IVEY: Do you want to go off the record a  
5 second?

6 (Discussion off the record.)

7 BY MR. DARMER:

8 Q -- to interview the children?

9 A No, I didn't.

10 Q Did you object to Hamilton's -- the limits  
11 Hamilton put on your review of the diary in his office?

12 A Okay. I wasn't present when the diary was  
13 reviewed, that was Lieutenant Kass and John Rolla, you  
14 know; what that conversation was, I don't know.

15 Q Okay. Do you know if Foster had an office in  
16 his home?

17 A No, I don't know.

18 Q Did you ever determine what Foster was  
19 working on the morning before he died?

20 A The only thing that I recall that we were  
21 able to find out was that he attended the ceremony in  
22 the Rose Garden. And I think we determined he went to

1 the normal staff or briefing that they have, you know,  
2 the counsel's office. I think one of the ladies  
3 explained that to us.

4 Q Do you know if he was working on anything  
5 related to Whitewater?

6 A No, I wouldn't know.

7 Q When you referred in your testimony this  
8 morning to a final report, who wrote that up in this  
9 case, the Park Police final report?

10 A When I talked about that summary that we had  
11 been asked to provide that I made reference to that was  
12 the higher-ups who wanted to read a short version or  
13 something? Yes.

14 Q Yes. Who wrote that?

15 A Detective Markland, I asked him to do that.

16 Q That was the synopsis that was provided to  
17 the Department of Justice; is that correct?

18 A They got the whole report that became a case  
19 file.

20 Q When you say given the whole report, the  
21 whole report is the case file?

22 A Right.

1 Q Is there some specific piece that is a  
2 smaller report?

3 A That was the final report.

4 Q And how long was that?

5 A I don't know, I don't know. We didn't number  
6 the pages I don't think, and we didn't get a receipt  
7 for it. I mean it was a file that existed at the time  
8 and we --

9 Q So it was substantial?

10 A Yes, I would say it was probably as thick as  
11 this book, what is it, about an inch.

12 Q Okay. Do you remember talking about the  
13 decision to close the report -- close the investigation  
14 with the chief or Major Hines?

15 A As I testified earlier, I think it was  
16 -- Major Hines I think wanted us to make an official  
17 closure to coincide, basically wanted to close both  
18 investigations at the same time, at least make that as  
19 part of the official record of closure anyway at that  
20 time.

21 Q All right. Do you know if Foster was ever --  
22 if Foster's blood was tested for HIV antibody?

1 A Do I know for a fact?

2 Q Do you know for a fact?

3 A No, I don't know for a fact.

4 Q Do you know if the Park Police ever requested  
5 that test to be done?

6 A I think we did, and there was some  
7 conversation about that, to the best of my  
8 recollection, I had with Dr. Beyer and the results of  
9 that could not be released.

10 Q Is it --

11 A And I never saw any results of that, and I  
12 never saw any requests for the tests; if it was done,  
13 it was done verbally. Our investigators went to the  
14 hospital -- I mean it went to the place where they do  
15 autopsies, the medical examiner's office.

16 Q Does that mean that someone -- but someone in  
17 the Park Police would have requested the test to be  
18 done?

19 A That's correct.

20 Q Is that standard operating procedure?

21 A It depends on the circumstances, I would  
22 think.

1 Q Was it --

2 A The fact that he was found in this park, I  
3 think would have probably prompted that concern or  
4 question.

5 Q So it was specific factors related to this  
6 case that resulted?

7 A Right, that's why I said I don't think I can  
8 say that would be done in every case, I don't think it  
9 is.

10 Q I mean in your experience, is it done in  
11 other death cases you've been involved in?

12 A Well, you know, the very fact that we deal  
13 with body fluids, you know, it may have become standard  
14 medical practice in the medical profession. I can't  
15 answer that, I don't know. I can only answer that from  
16 my experience, it's the first one I'm aware of that we  
17 specifically thought we asked for.

18 Q Could you be more specific about the  
19 circumstances of this case that would have led the  
20 police to request the test?

21 A Well, I think the -- I don't remember which  
22 investigator requested it, and I can't get inside of

1 his mind. But I know just from discussion and why we  
2 felt it may have some bearing on this is the fact that  
3 Fort Marcy Park is one of those kind of isolated parks  
4 along the parkway, and it's not frequented that much by  
5 tourists.

6 And the few times that I've been into the  
7 park, you know, there might be just a few people in  
8 there. It's never a park that would have a lot of  
9 visitation. Like I said, it's isolated, and it's also  
10 along that area of the George Washington Parkway that  
11 homosexual/gay people frequent, and I guess that was  
12 some concern.

13 Q So that was -- those were some of the reasons  
14 why the tests might have been requested?

15 A Right. Remember early I guess I said, you  
16 know, in suicides you look for those things that kind  
17 of jump out at you, financial problems, some kind of  
18 domestic problem, or, you know, depression brought on  
19 by some of these things. And, obviously, we felt that  
20 if someone just found out they had AIDS, that could be  
21 very troublesome.

22 I mean if you're already depressed or having

1 some problems and you find out that you have AIDS and  
2 you're in a high profile position, you might not want  
3 to be embarrassed later on, because very few people can  
4 hide from the fact they have AIDS.

5 Q I think you mentioned earlier that you talked  
6 to Dr. Watkins by phone; is that right?

7 A Right.

8 Q Was that Foster's personal physician?

9 A That's correct, back in Arkansas.

10 Q Did you talk generally about Foster's state  
11 of health?

12 A There was some discussion about that, you  
13 know, Dr. Watkins I think was concerned about  
14 patient/client relationship.

15 Q Some kind of privilege?

16 A Privilege. But, you know -- and I guess I  
17 tried to assure him for one thing, you know, we're  
18 doing an investigation, these things are important.  
19 Secondly, Mr. Foster is dead and especially from that  
20 point of view the amount of privilege that a dead  
21 person has is a lot less than a live person, you know,  
22 and I think that is a fact the best I recall.

1 And we had some discussion, and I may have  
2 put it in my notes or some reports that the doctor  
3 mentioned last time that he had given Mr. Foster a  
4 physical, and generally he was in good health, as I  
5 recall. And he did go on to say that he did -- spoke  
6 -- I think he was on that phone log or had indicated  
7 to me that there had been a conversation either the  
8 19th or maybe the 20th, but it could have been the  
9 19th. But that is in the report.

10 I did write a report after talking to him  
11 that he had prescribed some medicine and the best I  
12 recall where this occurred, he called that prescription  
13 into a drug store in D.C., and I didn't get much  
14 cooperation out of the people at the drug store,  
15 because I remember calling.

16 Q Do you recall discussing anything about any  
17 HIV test or Foster's AIDS status with Dr. Watkins?

18 A I don't believe that was brought up, no.

19 Q Do you recall talking with Dr. Watkins about  
20 anything to do with Foster's physical or sexual life or  
21 whether he had any physical problems affecting his sex  
22 life?

1 A That's kind of a two-part question. We did  
2 talk about his physical condition, because he mentioned  
3 he was in a good state of health the last physical,  
4 then he talked about the conversation he had with  
5 Mr. Foster about, I believe, trouble sleeping and maybe  
6 his loss of appetite. That's -- that's part of your  
7 question --

8 Q Sure.

9 A -- in answer to one part of your question.  
10 In answer to the other part of your question, we never  
11 talked about his sexual orientation, problems or  
12 anything else. I mean there was nothing sexual  
13 discussed with him the best I recall.

14 Q Okay. All right. Earlier today you  
15 mentioned or you alluded to some allegations that have  
16 been made about a possible relationship between  
17 Mr. Foster and Mrs. Clinton.

18 Did the Park Police do anything to  
19 investigate those sorts of allegations?

20 A No, because all we had was rumors. And when  
21 this guy sent us the tape and you listened to it, I  
22 mean it's like I heard this, and I'm telling some guy,

1 and it looked like they're trying to make some money  
2 off of it. And I think it's just a bunch of -- to me  
3 it was kind of squirrely.

4 I mean there was nothing there. There was  
5 never any substance. I mean, you know, they didn't say  
6 well so-and-so has this information, you know.

7 Q Would you have been the person to sort of  
8 review all submissions that the Park Police generally  
9 got from anyone in the world about this case and decide  
10 whether it was a good lead or not?

11 A Some of the things were sent over to Margolis  
12 or Heymann over at the Justice Department, and they  
13 would route it over to me. And the chief's office I  
14 think got a few phone calls on a few things and they  
15 would route that to me.

16 And generally most of that stuff did come to  
17 me, and those are how we ended up with the two files;  
18 one was everything from the technician's reports to the  
19 investigator's reports, and the other file contained  
20 -- you know, some people were doing a study on Prozac  
21 maybe, and they would write a letter in. Others were  
22 doing a study on Halcion, they would write a letter

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1 in.

2 I mean it was just -- you know, it was just  
3 more than we were prepared to deal with quite frankly.  
4 I mean we could care less about what some doctors are  
5 doing out there with Halcion in terms of getting that  
6 job done, so we put these things in another file.

7 Q Earlier in your testimony, you mentioned a  
8 conversation with Mr. Heymann in which he said  
9 something like do what you ordinarily do. Do you  
10 remember that?

11 A Do what you normally do or something like  
12 that. I mean I wrote it down because I can remember I  
13 kept a pad on my desk, and I write some things down,  
14 and I wrote that on there. And I think I put it in  
15 quotes, I think it's in my notes.

16 Q And do you know what he meant by that?

17 A Do I know what he meant or what I think he  
18 meant? I have no idea what he meant.

19 Q What did you think he meant?

20 A What did I think he meant? Do what we  
21 normally do.

22 Q What was your response to that?



1       A    My response was it's not a normal case, and I  
2   guess if I had to give you my impression of what I  
3   thought maybe at the time or, you know, maybe what was  
4   here at the time -- you know, put up with a lot of  
5   crap, take a lot of shit and come out with the same  
6   results.

7       I mean I don't know, you know. You know,  
8   when it's all over with, make it look like anything was  
9   like any other case, you know.

10      Q    My last question, Captain. There's been a  
11   lot of scrutiny of the Park Police in this case and  
12   some criticisms. What's your present view of the  
13   investigation that you did and what do you think about  
14   that? What do you think about those criticisms?

15      A    You know, well, you know, we spent a few days  
16   coming up with what the FBI came up with in four  
17   months. I think that speaks for itself, and I think we  
18   are going to be criticized. I think the FBI is going  
19   to be criticized now that they can no longer criticize  
20   us.

21           And I don't really care anymore, I guess. I  
22   think I'm just tired of the whole, you know, the whole

---

1   thing really. I think that kind of answers your  
2   question.

3           MR. DARMER: Okay. That's it for me.

4           EXAMINATION

5           BY MR. IVEY:

6      Q    A couple quick questions.

7       I just want to make sure the record is clear  
8   on this. Did you ever find any evidence or anything  
9   substantial to verify any of these rumors about Vincent  
10   Foster and Hillary Clinton about having some affairs or  
11   sexual liaison at all?

12      A    No.

13      Q    And as for the questions about the HIV test.  
14   Did you come across any evidence that Vince Foster was  
15   gay or he was having some sort of, you know, sexual  
16   affair in Fort Marcy Park or anything like that?

17      A    No.

18      Q    Did you come across any information that he  
19   was HIV positive?

20      A    No.

21      Q    That he had AIDS?

22      A    No.

1 MR. IVEY: Okay, that's it for me.

2 EXAMINATION

3 BY MR. DARMER:

4 Q One last question. Did the Park Police ever  
5 determine whether Mr. Foster was left-handed or  
6 right-handed?

7 A I don't know if any investigator/detective  
8 did or not. I don't know.

9 Q You don't know?

10 A No.

11 MR. DARMER: Okay. I think that's it.

12 (The deposition of Charles H. Hume was  
13 concluded at 5:10 p.m.)

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CERTIFICATE OF NOTARY PUBLIC & REPORTER

I, CINDY L. SEBO, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn; that the testimony of said witness was taken in shorthand and thereafter reduced to typewriting by me or under my direction; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and, further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

  
\_\_\_\_\_  
Notary Public in and for the  
District of Columbia

My Commission Expires FEBRUARY 14, 1995

**EXHIBIT 1**

COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF HEALTH  
OFFICE OF THE CHIEF MEDICAL EXAMINER  
NORTHERN VIRGINIA DISTRICT  
9797 BRADDOCK ROAD  
SUITE 100  
FAIRFAX, VA 22032-1700  
PHONE (703) 764-4640

Autopsy No. 353/93  
Date 7/21/93  
Time 10:00 A.M.

**REPORT OF AUTOPSY**

DECEDENT VINCENT FOSTER  
First Middle Last  
Autopsy Authorized by: Dr. Donald Haut - Fairfax County  
Persons Present at Autopsy:  
Body Identified by: U.S. Park Police Tag - 7/20/93 James C. Beyer, M.D.; Det. James G. Morrisette, U.S. Park Police

Rigor: complete X jaw \_\_\_\_\_ neck \_\_\_\_\_ arms \_\_\_\_\_ legs \_\_\_\_\_  
Livor: color pale red distribution: posterior  
Age 48 Race W Sex M Length 76 1/2" Weight 197 Eyes hazel Pupils: R RRE L RRE  
Hair graying black Mustache no Beard no Circumcised yes Body Heat cool

Clothing, Personal Effects, External wounds, scars, tattoos, other identifying features: See attached sheet.

**PATHOLOGICAL DIAGNOSIS:**

**CARDIOVASCULAR SYSTEM:** Heart, no evidence of hypertrophy, valvular or congenital abnormalities. Epi and endocardium, no evidence of fibrosis or inflammation. Coronary arteries, normal origin and distribution; no significant alteration all segments. Myocardium, no evidence of fibrosis, inflammation or infarction. Aorta, minimal arteriosclerosis.

**RESPIRATORY SYSTEM:** Larynx, trachea and bronchi, no evidence of trauma, obstruction or inflammation. Lungs, pulmonary congestion; aspiration or blood. No evidence of inflammation or pulmonary artery emboli. Hemidiaphragms intact.

**LIVER:** No evidence of trauma or inflammation.

**SPLEEN:** No evidence of trauma.

**PANCREAS, ADRENAL AND THYROID GLANDS:** No significant alteration.

**G.I. TRACT:** No evidence of trauma, hemorrhage or inflammation.

**GENITOURINARY TRACT:** Kidneys, no evidence of trauma or inflammation. Urinary bladder and genitalia, no significant alteration.

**HEAD:** Perforating gunshot wound - entrance in mouth in posterior oropharynx with wound track extending backward and upward with exit from back of head.

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CONTENTS NOT TO BE DUPLICATED

Cause of Death:

PERFORATING GUNSHOT WOUND MOUTH - HEAD

Provisional Report \_\_\_\_\_

Final Report       

The facts stated herein are true and correct to the best of my knowledge and belief.

July 28, 1993  
Date Signed

NO VA ME OFFICE  
Place of Autopsy

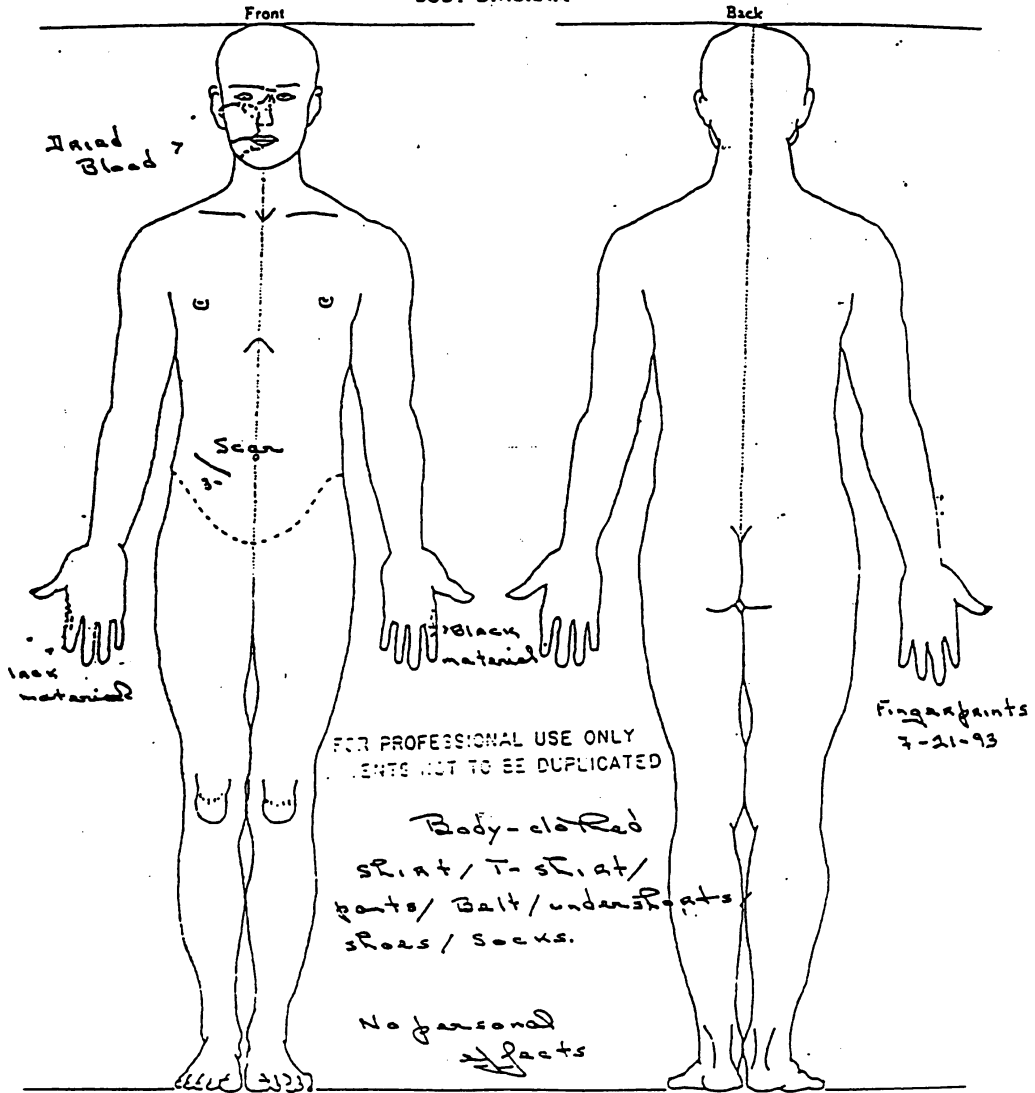
J. C. Beyer  
Signature of Pathologist

James C. Beyer, M.D.

CME Form No. 10—Revised 6/89

APPROX. TESTE: JUL 28 1993  
J. C. Beyer

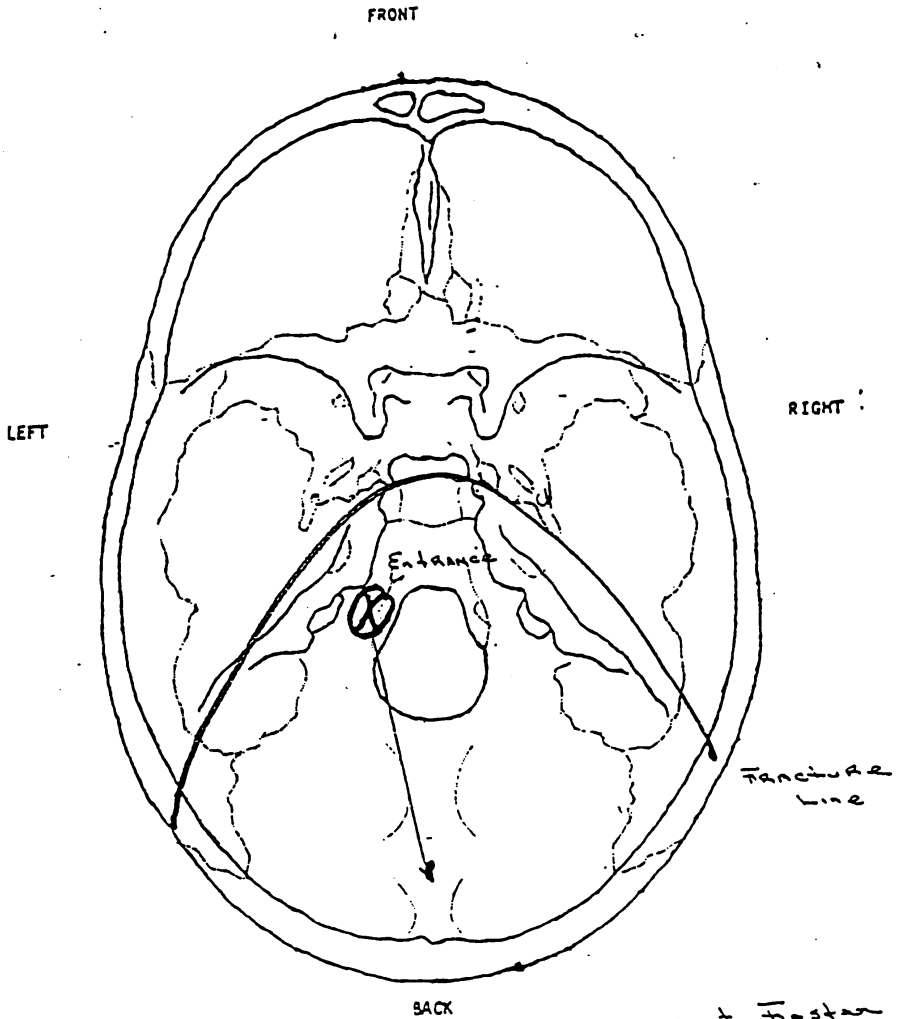
## BODY DIAGRAM



Decedent's  
Height 76 1/2 inches

Name Vincent Foster  
Examined By P.O. Prager Date 7-21-93

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Vincent Foster

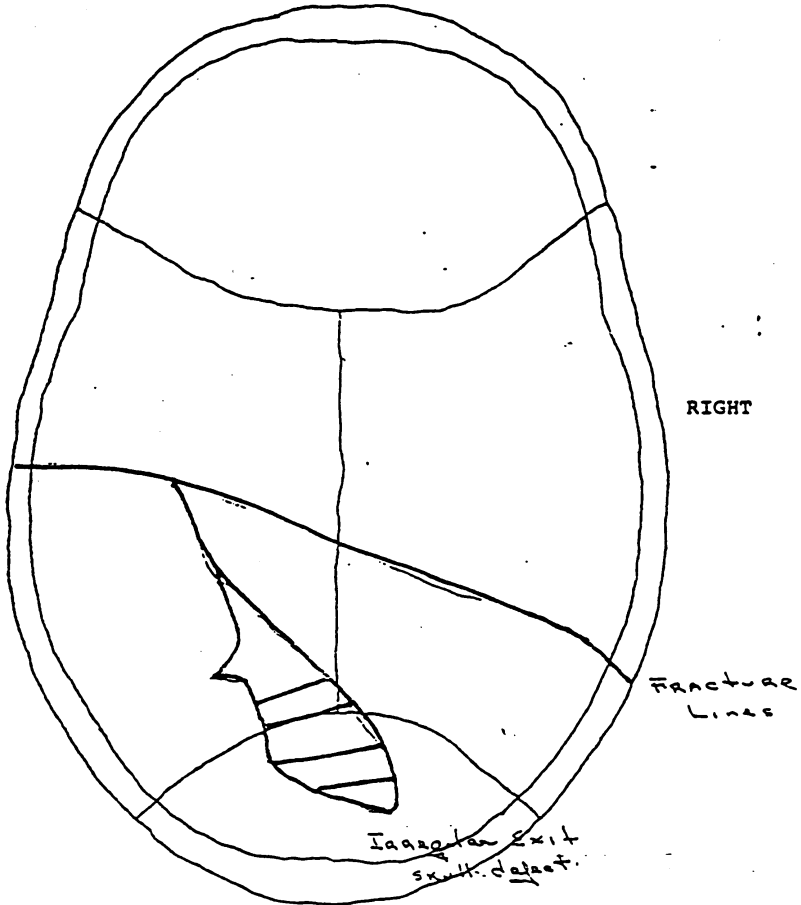
D. C. Bayan  
7-21-93

FRONT

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LEFT

RIGHT

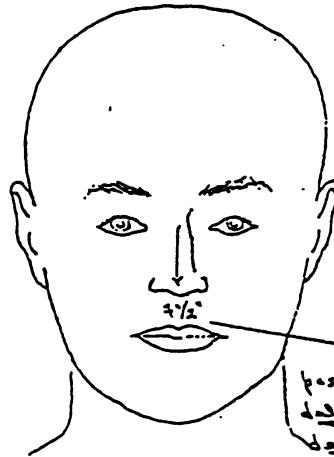


BACK

Vincent Foster

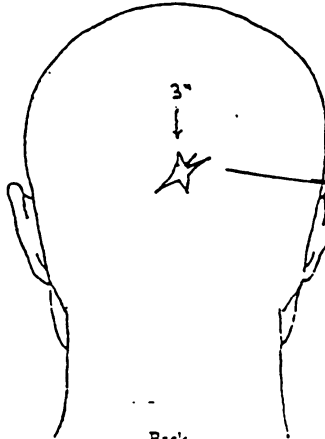
J. O. Beyer 7-21-93

## BODY DIAGRAM—HEAD



Front

Entrance - mouth -  
posterior one-third - large  
defect - soft palate  
defect / powder debris  
identified.



Back

Perforating  
Gunshot wound

Exit wound -  
Irregular wound  
1 1/4 x 1"

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Decedent's Name Vincent Festae

Examined

By D. C. Ryan Date 7-21-93



## GUNSHOT WOUND CHART

Name Vincent Foster City or County Harford

|                                      |                  | WOUND NO.      |       |      |     |      |     |      |     |      |     |      |     |
|--------------------------------------|------------------|----------------|-------|------|-----|------|-----|------|-----|------|-----|------|-----|
|                                      |                  | 1              |       | 2    |     | 3    |     | 4    |     | 5    |     | 6    |     |
|                                      |                  | Est.           | Ex.   | Est. | Ex. | Est. | Ex. | Est. | Ex. | Est. | Ex. | Est. | Ex. |
| 1. Location of wound:                | Head             | new 2 1/2 inch |       |      |     |      |     |      |     |      |     |      |     |
|                                      | Neck             |                |       |      |     |      |     |      |     |      |     |      |     |
|                                      | Chest            |                |       |      |     |      |     |      |     |      |     |      |     |
|                                      | Abdomen          |                |       |      |     |      |     |      |     |      |     |      |     |
|                                      | Back             |                |       |      |     |      |     |      |     |      |     |      |     |
|                                      | Right            |                |       |      |     |      |     |      |     |      |     |      |     |
|                                      | Arm < Left       |                |       |      |     |      |     |      |     |      |     |      |     |
|                                      | Right            |                |       |      |     |      |     |      |     |      |     |      |     |
|                                      | Leg < Left       |                |       |      |     |      |     |      |     |      |     |      |     |
|                                      |                  |                |       |      |     |      |     |      |     |      |     |      |     |
| 2. Size of wound:                    | Diam.            |                |       |      |     |      |     |      |     |      |     |      |     |
|                                      | Width            |                |       |      |     |      |     |      |     |      |     |      |     |
|                                      | Length           |                | 1 1/4 |      |     |      |     |      |     |      |     |      |     |
| 3. Inches from wound to:             | Top of head      | 7 1/2          | 3     |      |     |      |     |      |     |      |     |      |     |
|                                      | Right of midline |                |       |      |     |      |     |      |     |      |     |      |     |
|                                      | Left of midline  |                | 7 1/2 |      |     |      |     |      |     |      |     |      |     |
|                                      |                  |                |       |      |     |      |     |      |     |      |     |      |     |
| 4. Powder burns:                     | On skin          | P. 2 1/2 inch  |       |      |     |      |     |      |     |      |     |      |     |
|                                      | Clothing         |                |       |      |     |      |     |      |     |      |     |      |     |
|                                      | Absent           |                |       |      |     |      |     |      |     |      |     |      |     |
| 5. Direction of bullet through body: | Backward         | ✓              |       |      |     |      |     |      |     |      |     |      |     |
|                                      | Forward          |                |       |      |     |      |     |      |     |      |     |      |     |
|                                      | Downward         |                |       |      |     |      |     |      |     |      |     |      |     |
|                                      | Upward           | ✓              |       |      |     |      |     |      |     |      |     |      |     |
|                                      | To right         |                |       |      |     |      |     |      |     |      |     |      |     |
|                                      | To left          |                |       |      |     |      |     |      |     |      |     |      |     |
| 6. Bullet found:                     | Calibre          | —              | —     |      |     |      |     |      |     |      |     |      |     |
|                                      | Shotgun          |                |       |      |     |      |     |      |     |      |     |      |     |

Photographs made: Yes ☒ No ☐

X-rays made: Yes ☒ No ☐

REMARKS:

FOR PROFESSIONAL USE ONLY  
DO NOT BE DUPLICATED

Examined by: J. C. Boyer Date: 7-21-93



Department of General Services  
DIVISION OF FORENSIC SCIENCE

CERTIFICATE OF ANALYSIS

July 26, 1993

ORIGINAL  
JUL 1993  
Received  
Northern Laboratory  
9797 Braddock Road #200  
Fairfax, Virginia 22032  
Tel. No. (703) 784-4600  
Fax: (703) 784-4633  
TDD/Voice: (804) 786-6152

TO: DR JAMES C BEYER  
OFFICE OF THE CHIEF MEDICAL EXAMINER  
NORTHERN VIRGINIA DISTRICT  
9797 BRADDOCK ROAD # 100  
FAIRFAX VA 22032

cc: Dr. Haut

Your Case # 93-353

FS Lab # NL93-4271

Victim(s): FOSTER, Vincent

Suspect(s): - - -

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CONTENTS NOT TO BE DUPLICATED

Evidence Submitted By: Dr. J. C. Beyer

Date Received: 7/21/93

All evidence had been sealed upon receipt.

1 vial blood, 1 vial vitreous humor, 1 container blood,  
1 container urine, 1 container liver.

RESULTS:

BLOOD, VITREOUS HUMOR AND URINE: Negative for alcohols and ketones.

BLOOD: - Phencyclidine, Morphine, Cocaine and Benzoylcegonine: NOT DETECTED.

- Other alkaline extractable drugs (benzodiazepines, synthetic narcotics,  
tricyclic antidepressants and analgesics): NOT DETECTED.

- Acidic and neutral drugs (salicylates, barbiturates, hydantoins, carbamates  
and glutethimide): NOT DETECTED.

URINE: - Drug screen (salicylates, phenothiazines and ethchlorvynol): NOT DETECTED.

ATTTEST:

I certify that I performed the above analysis or examination as an employee of the Division of Forensic Science and that  
the above is an accurate record of the results of that analysis or examination.

*Ann N. Huynn*  
Ann N. Huynn, Ph.D.  
Toxicologist

ANH/ps

A COPY TESTED: JUL 29 1993  
*N. C. Beyer*  
Assistant Chief Medical Examiner



DO NOT REPLY REFER TO:

# United States Department of the Interior

NATIONAL PARK SERVICE  
Headquarters, United States Park Police  
1100 Ohio Drive, S.W.  
Washington, D.C. 20242

## EXHIBIT 2

12 AUG 1993

W34 (NCR-PPOD)  
Case No. 30502-93  
MCL No. 166-93

U.S. Treasury Department  
Bureau of Alcohol, Tobacco and Firearms  
1401 Research Boulevard  
Rockville, Maryland 20850

Attention: Forensic Branch

Dear Sir:

Reference: Death Investigation  
Victim: Vincent Foster, Jr.

On July 20, 1993, the above named victim was found inside Fort Marcy Park with a single gunshot wound to the head. A Colt, Army Special, Revolver, .38 caliber was recovered from the victim's right hand. The palm and fingers of the right hand were laying over the cylinder area of the weapon and the victim's right thumb was trapped between the trigger guard and front edge of the trigger. The trigger contacted and impressed the thumb in the area between the first and second joints.

The following evidence is being submitted for your examinations:

- Item # 1 - Colt, Army Special, .38 caliber, 4", six shot revolver.  
Serial # 356555 (355055)
- Item # 2 - 1 round .38 caliber R-P 38 spl.HV (from cylinder of  
item #1 at 2 o'clock position)
- Item # 3 - 1 casing .38 caliber R-P 38 spl.HV (from cylinder of  
item #1 at 12 o'clock position)
- Item #16 - White long sleeve shirt (from victim)
- Item #18 - Blue grey trousers (from victim)

It would be greatly appreciated if the appropriate tests and/or examinations could be conducted to determine the following:

Could Item #1 be tested to determine whether or not it operates properly?

Could it be determined if the residue on the victim's right hand (see photograph enclosed) could have been the result of discharging Item #1 in a manner consistent with other available evidence?

Could it be determined if Item #3 and Item #2 are similar in manufacture?

Could it be determined if the primer on Item #3 was struck by the firing pin of Item #1?

Could Items #16 and #18, be examined for gun powder residue and if found could any information concerning position of weapon at time of discharge be determined?

Please conduct any additional tests and examinations which you deem appropriate in connection with this case.

These items have not and will not be examined by any other expert. Please make the results of your examinations available to Major [redacted], Jr., Commander, Criminal Investigations Branch.

Major  
Commander, Criminal Investigations Branch

**EXHIBIT 3**

DEPARTMENT OF THE TREASURY

Federal Bureau of Investigation  
 BUREAU OF ALCOHOL, TOBACCO AND FIREARMS  
 1401 Research Triangle - 1  
 Research Triangle, North Carolina 27709  
 RTN 443 3337  
 (301) 343-4337  
 FAX (703) 448-8811

**Laboratory Report**

101

Commander Criminal Investigations Branch  
 United States Park Police  
 1100 Ohio Drive, SW  
 Washington, DC 20242

Date of Report: August 17, 1993  
 Lab Number: 93N0649 (1)  
 Reference: 63541932032A  
 Type of Exam: Firearms/Toolmarks

The following evidence was received on August 16, 1993, from Officer Peter J. Simonello (hand carried).

**EXHIBITS**

- 1 - One (1) Colt .38 special caliber, model Army Special revolver, serial number 355055.
- 2 - One (1) cartridge.
- 3 - One (1) cartridge case.
- 16 - One (1) white long sleeve shirt.
- 19 - One (1) blue grey trousers
- 20 - Thirteen (13) photographs.

**RESULTS OF EXAMINATION**

Exhibit 1 was examined, found to function and test fired twice for comparative purposes.  
 Exhibit 3 (cartridge case) was identified as having been fired in the Exhibit 1 revolver.

Gunshot residue patterns were reproduced in the laboratory which were consistent with the pattern in the Exhibit 20 photographs. These patterns were produced from the cylinder gap.

Exhibit 2 (cartridge) and Exhibit 3 (cartridge case) are .38 special high velocity caliber which were produced by Remington-Union Company.

(Page 1 of 2)

Accredited by The American Society of Crime Laboratory Directors

**22ND049 (1)**

Examination and chemical processing of Exhibit 16 for the presence of gunpowder gunshot residue determined a positive reaction consistent with the discharge of a revolver in close proximity to the upper front of the shirt.

Examination and chemical processing of Exhibit 19 for the presence of gunpowder gunshot residue determined no reaction present.

**DISPOSITION OF EVIDENCE**

The submitted evidence will be retained in the laboratory until called for by a representative from your office.

**Firearms and Toolmarks Examiner****REVIEWED BY:**

Identification Section

Chief

cc: Special Agent  
Bureau of Alcohol, Tobacco and Firearms  
7799 Leesburg Pike, Suite 600, South Tower  
Falls Church, VA 22043

CJR/jmb

(Page 2 of 2)

**DEPOSITION OF RICHARD M. ARTHUR  
IN RE: S. RES. 229**

---

**THURSDAY, JULY 14, 1994**

**U.S. SENATE,  
COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS,  
*Washington, DC.***

Deposition of RICHARD M. ARTHUR, called for examination pursuant to notice of deposition, at 2:40 p.m. in Room SC-06 of the Capitol, before JULIE BAKER, a Notary Public within and for the District of Columbia, when were present:

**GLENN F. IVEY, Esq.  
Majority Counsel  
ROMAN E. DARMER, III, Esq.  
JULIE FALLON, Esq.  
Minority Counsel  
Committee on Banking, Housing, and Urban Affairs  
U.S. Senate  
On behalf of the Committee.**

**GERARD TREANOR, Esq.  
Cacheris & Treanor  
1100 Connecticut Avenue, NW  
Washington, DC  
On behalf of the Deponent.**

**ALSO PRESENT: PAUL GOLDENBERG**

## CONTENTS

---

| WITNESS             | EXAMINATION |
|---------------------|-------------|
| Richard M. Arthur   |             |
| by Mr. Ivey .....   | 3           |
| by Mr. Darmer ..... | 58          |

## EXHIBITS

---

| Richard M. Arthur<br>DEPOSITION NUMBER | IDENTIFIED |
|----------------------------------------|------------|
| Exhibit 1 (S. RES. 229) .....          | 3, 138     |
| Exhibit 2 .....                        | 4, 907     |
| Exhibit 3 .....                        | 62, 910    |



## P R O C E E D I N G S

Whereupon,

RICHARD M. ARTHUR

was called as a witness and, having first been duly sworn,  
was examined and testified as follows:

## E X A M I N A T I O N

BY MR. IVEY:

Q Good afternoon. I'm Glenn Ivey and I'm counsel  
to the Senate Banking Committee. The committee is doing an  
investigation into whether there was improper conduct  
regarding the death of Vincent W. Foster and the Park  
Police investigation that was related to that.

MR. IVEY: Could you mark this Exhibit 1.

(Arthur Exhibit 1 identified.)

BY MR. IVEY:

Q I'm going to show you a copy of Senate Resolution  
229 which governs the conduct of these depositions and also  
sets out the scope of the deposition that we're going to do  
and the hearings that will follow. Page 2 is the relevant  
page for you. I believe it is 2-B.

A 2 what?

Q On page 2 it's line 4, the Park Service Police

---

4

investigation into the death of deputy counsel Vincent  
Foster so I'm going to be asking you questions about that,  
not so much the Park Police part but the part you were  
present for when you were present at Fort Marcy Park on  
July 20, 1993.

MR. IVEY: Also, I guess I'll have this marked  
number 2.

(Arthur Exhibit 2 identified.)

BY MR. IVEY:

Q I wanted to ask if you recognize that Exhibit  
Number 2.

A Do I recognize this?

Q Yes. Did you ever get a copy of that?

A What is this?

Q It's a subpoena.

MR. TREANOR: We'll stipulate he's been  
subpoenaed.

THE WITNESS: He showed me a copy. I took a  
quick look at it but it went to him so whatever he says, he  
told me to be here.

BY MR. IVEY:

Q That's fine. I just wanted to make sure you

1 understood.

2 A He has it in his folder.

3 MR. TREANOR: So the record is clear, I'm Gerard  
4 Treanor, and I'm counsel for the deponent.

5 BY MR. IVEY:

6 Q I'm going to ask you a series of questions.

7 Mr. Darmer will be able to ask you a series of questions  
8 after I'm done but essentially they resolve around the  
9 investigation of Vincent Foster's death. When I ask a  
10 question, if you have any trouble understanding the  
11 question I pose to you, just tell me if you have difficulty  
12 understanding it or part of it or whatever and I'll  
13 rephrase it or try and explain.

14 If you're not sure about the answer you're about  
15 to give or the answer to the question that I pose, tell us,  
16 too. We don't want you to guess or speculate at all when  
17 you answer a question and if there is any guesswork in the  
18 question, please let us know that before you give your  
19 answer.

20 A Okay.

21 Q Now, this is a stenographer here, as you know.  
22 She's typing down everything you say. The deposition is

---

1 confidential up until the time of the hearings, at which  
2 point they'll make a determination as to whether it will be  
3 public or not.

4 And with respect to the hearings, you may be  
5 called as a witness at the hearings. I don't know if you  
6 will be or not. The senators will determine the witness  
7 list at some point down the road, but I wanted to let you  
8 know there's a chance that you could be a witness at those  
9 hearings.

10 A Okay.

11 Q If you want to take a break at any point, that's  
12 fine. Obviously, you can confer with your counsel at any  
13 point. That's fine, too, certainly with me while I'm  
14 asking the questions. There's a possibility of objections,  
15 I guess, to when I ask a questions or maybe when Mr. Darmer  
16 asks questions and there are two types of objections, I  
17 think, that will be most likely to occur.

18 One would be to the scope of the question. In  
19 other words, that it's a question that calls for  
20 information that goes beyond the scope of this resolution.  
21 If there's an objection like that, don't answer the  
22 question until we resolve the objection. If there's an

1 objection as to something else, say like to the form of the  
2 question, then we'll try and rephrase the question. If  
3 there's an objection on different grounds, you should  
4 probably go ahead and answer the question. I guess we can  
5 work that out with your attorney. And the objection will  
6 remain in the record.

7 A Okay.

8 Q If I could ask you your name and to spell your  
9 last name, please.

10 A Richard M. Arthur, A-r-t-h-u-r.

11 Q When were you born?

12 A 05/21/67, May 21, 1967.

13 Q And what's your social security number?

14 A 226-19-6095.

15 Q What's your occupation?

16 A I'm a paramedic with the Fairfax County Fire and  
17 Rescue Department. I hold the rank of technician in the  
18 EMS side. EMS stands for emergency medical service.

19 Q And technician is --

20 A Technician, it goes firefighter, technician, fire  
21 sergeant, lieutenant, captain and goes up to battalion  
22 chiefs and all that stuff.

1 Q What are your responsibilities as a technician?

2 A My responsibilities as a technician on the medic  
3 unit consists of when I'm a driver, I check out all the  
4 equipment on the apparatus. When I'm in the back, which  
5 is -- a technician's position can be driving or riding in  
6 the back. The lieutenant or the officer rides up front.  
7 So my position is a driver or in the back. In the back I  
8 take care of all the medical equipment and I deal with the  
9 patient.

10 Q And this is driving an ambulance?

11 A Driving an ambulance, yes.

12 Q How long have you been a technician?

13 A How long have I been a technician -- four or five  
14 years.

15 Q And before you were a technician, what were you  
16 doing?

17 A My rank was a firefighter at that point. I came  
18 into the department as a firefighter, took a paramedic  
19 course and got promoted to technician. Before I came into  
20 the fire department, if that's what you're asking -- is  
21 that what you're asking?

22 Q I was going to ask that next. How long were you

1 a firefighter?

2 A Counting my volunteer time or just as paid?

3 Q Let's do paid first.

4 A Paid, I came into the department in 1989 as a  
5 paid firefighter.

6 Q And before that you worked as a volunteer?

7 A I worked as a volunteer on ambulances, fire  
8 trucks and all that stuff, all in the same county.

9 Q Fairfax County?

10 A Yes, just in a different station.

11 Q How long were you a volunteer?

12 A Since I was 18, so that would be nine years.

13 Q And the special training you mentioned, the  
14 paramedic course, what did that consist of?

15 A The paramedic course is given by George  
16 Washington University. It's Fairfax County hired out to  
17 George Washington University to train us as paramedics.  
18 It's the national certification for paramedics course.  
19 You've got to go through all the training. It consists  
20 of -- I don't know how many hours. You've got to do so  
21 many hours of riding on a medic unit, so many hours of  
22 riding on a medic unit, working in an emergency room,

---

10

1 working on an operating room, hands on, going to the  
2 morgue, and then so many hours in the classroom studying  
3 and taking tests and passing at certain levels and stuff  
4 like that. The failure rate for paramedics first time  
5 around when they take a national test is pretty high, and  
6 the county only needs us certified as CCT level, which is  
7 one step below paramedic level.

8 Q CCT is --

9 A Stands for cardiac care technician. It goes  
10 first responder, then first aid is like the first responder  
11 and then it goes EMT. Then it goes -- I think it's like IV  
12 tech, which is basically all they do is IVs. They don't do  
13 any drugs. And then it goes to CRT or CCT. CRT is cardiac  
14 rescue technician and CCT is cardiac care technician, and  
15 then it goes to paramedic. And after paramedic it goes to  
16 physician's assistant or nursing levels physician's  
17 assistant.

18 Q And is there a certification process?

19 A There is a certification process. You've got to  
20 take the national test. You've got to take -- it consists  
21 of written as well as -- it consists of written questions,  
22 as well as practical exams. They put you through like five

1 or six different stations. You've got to do certain things  
2 in a certain amount of time, do them precisely, drug  
3 dosages, do IV sticks and you just learn.

4 Q And you are certified, I take it?

5 A I am certified.

6 Q And how long have you been certified?

7 A Since 19 -- I want to say '90. I want to say May  
8 of 1990.

9 Q Have you taken any other training for emergency  
10 medicine?

11 A Before that, I went through NOVA, and I took a  
12 cardiac care course through NOVA. That was back in -- I  
13 want to say like '87, maybe --

14 Q And what about --

15 A -- '88.

16 Q -- forensic types?

17 A Meaning --

18 Q I mean, for example, like the types of courses  
19 that say coroners might give or medical --

20 A I'm not a forensic expert, if that's what you're  
21 asking. As far as -- I've seen several autopsies. I've  
22 seen lots of slides, lots of pictures. I grew up next to

1 one of the doctors that does the autopsies, and he always  
2 talked about it because I always found it interesting. As  
3 far as being an expert or knowing about autopsy classes and  
4 stuff, I'm not an expert in that field.

5 Q How many times have you responded to calls for  
6 gunshot wounds, would you say?

7 A Numerous. I can't really give you a certain  
8 number. Where I used to work -- I work in McLean now,  
9 obviously, because that's where the Fort Marcy Park is.  
10 Where I used to work, I used to work for Fairfax County and  
11 we can work anywhere in the county where they want us to.  
12 I used to work in Mount Vernon, and that's where all the  
13 gunshots and the shootings and the stabbings happen down  
14 there, and I spent close to three years down there. So I  
15 got my share of gunshots and stabbings and all that. As  
16 far as gunshots, round number, 25, 30, I don't know, maybe  
17 20 -- 20, 30.

18 Q How many of them were suicides?

19 A Quite a few. I don't know. I mean, a lot of  
20 calls run together. If it's nothing big, such as this, I  
21 kind of block it out of my mind. I'm not the type of  
22 person that brings all my stuff home, you know, and I

1 remember the ones that are blown apart and are on the  
2 ceiling and stuff, but as far as just little bullet holes  
3 and stuff, I mean, you know, they're weird -- there are  
4 different gunshot wounds and I can't really tell how many  
5 were from -- I mean, I can tell if they were suicide  
6 because the gun was sitting there and all that stuff but  
7 what I'm saying is I can't tell you how many there were.

8 Q Did you have any part of your training that dealt  
9 with gunshot wounds?

10 A Trauma, BTLS, basic trauma life support.

11 Q And what was the nature of that training?

12 A Just basically how to handle a gunshot wound when  
13 the patient is still alive.

14 Q Was there anything in your training about  
15 distinguishing between suicides and homicides?

16 A Distinguishing between suicides and homicides.  
17 When we get on the scene --

18 MR. TREANOR: He's asking was there anything in  
19 your training.

20 THE WITNESS: I know. In my training, they  
21 basically say if you suspect that it might be a homicide,  
22 then you're supposed to stand clear and try not to damage

---

1 anything. As far as the training, whether we were trained  
2 this is a homicide, this is definitely a suicide, back and  
3 forth, no, we weren't trained like that. We're just  
4 supposed to go on our intuition, I guess.

5 BY MR. IVEY:

6 Q So your training focuses on preserving evidence,  
7 if there's a need to have evidence, I guess?

8 A Our training consists of -- if a patient is lying  
9 on the floor with a gunshot wound to the chest and the  
10 patient is still alive, we do everything we can to help  
11 that patient. If we know it's a homicide and the patient  
12 is dead but we've still got to work him because there's a  
13 chance that he's alive and there's evidence around, we'll  
14 try to preserve that evidence, but if we need to kick it  
15 out of the way or whatever, we will to save that patient.

16 Q The top priority is saving the life?

17 A Correct.

18 Q And secondarily may be preserving evidence?

19 A If there's evidence there. A lot of times we  
20 don't even recognize the evidence because we're not  
21 investigators. There are investigators in the department.  
22 *I have not gone through any of those classes.*

1 Q Now, on July 20, 1993, where were you working?

2 A The McLean fire station.

3 Q How far is the McLean fire station from Fort  
4 Marcy Park?

5 A I should know this. I've been asked so many  
6 times from all this. Response time, six to eight minutes.  
7 As far as driving, I don't know, about eight to 10 miles  
8 maybe. Do you know?

9 MR. TREANOR: It would be less than that.

10 BY MR. IVEY:

11 Q We'll take your estimate. That's fine. You got  
12 a call to go to Fort Marcy Park?

13 A Yes, we did.

14 Q Did you know who the call was from?

15 A I don't know who the call was from. I know where  
16 the call was placed from.

17 Q Where was it placed from?

18 A It was placed from the pay telephone outside of  
19 the park headquarters, which is a pay phone right up the  
20 road.

21 Q How are you aware it was done there?

22 A After all of this -- after the big scenario

1 unfolded about who it was, where this was and all that  
2 stuff, I was kind of curious, so I pulled it up on the  
3 computer that I have access to at the firehouse, saw where  
4 the call number came from, and it said U.S. Park  
5 headquarters.

6 Q You called up the 911 information or the incident  
7 report?

8 A Yes, it's the dispatch number. Whenever somebody  
9 calls 911 in Fairfax County, the call-taker types into a  
10 computer. When the computer -- she sends it to the  
11 firehouse, everybody that's responding, and we've got  
12 little computers in our unit and at the firehouse, and we  
13 get the same information that they have, which is very good  
14 at 3:00 in the morning when you're half asleep. You don't  
15 have to remember addresses. Was it a 3 or was it a 2, you  
16 know.

17 So I got back to the firehouse, and this was a  
18 few days later. I can't even remember when I was doing  
19 this. I pulled it up and I saw that the phone number said  
20 U.S. Park headquarters, and I was kind of curious how it  
21 would come from there and stuff, and I started calling it,  
22 just to -- just because the whole situation didn't seem

1 right to me.

2 So I called it, no answer. Called it the next  
3 day, no answer. Called it like a third day -- I called it  
4 quite a few times. Finally got an answer and asked where  
5 it was and the guy told me. I don't know who I was talking  
6 to. It might have been somebody that stopped there to use  
7 the phone.

8 Q All right. Let me go back to July 20. I'll come  
9 back to that in a minute. Who was working with you that  
10 night?

11 A On the medic unit or on the whole entire  
12 station?

13 Q The medic unit, the people that went out to Fort  
14 Marcy Park with you.

15 A We had a medic and engine response for the  
16 initial dispatch.

17 Q Who went out to Fort Marcy Park with you?

18 A On the medic unit, the driver was Todd Hall. The  
19 officer was Sergeant George Gonzales and Richard. I was in  
20 the back. On the fire engine I want to say it was Ralph  
21 Pasany driving. At the time I think he was a sergeant but  
22 he's now a lieutenant. I should remember his name --

---

18

1 Icahn, Jay Icahn, and then in the bucket of the engine. --

2 Q The bucket being the middle?

3 A Well, you've got the driver, the officer and the  
4 two firefighters sit backwards and stuff, they're called  
5 buckets. In the bucket it was Jennifer Walker, firefighter  
6 Jennifer Walker.

7 Q Why does the fire truck go --

8 A On certain dispatches, they're automatically  
9 dispatched, such as if there's a broken arm, it would just  
10 be a medic unit or an ambulance. If it's a shooting, heart  
11 attack, stabbing, something that calls for lots of work,  
12 lots of manpower where you may need to do a lot, they  
13 automatically send an engine just for assistance. The call  
14 came in as a -- if I remember correctly, it was a body  
15 lying next to a cannon, unknown situation, don't know if  
16 the patient is alive, dead, don't know if a hanging,  
17 whatever. We had no idea, so they automatically sent a  
18 medic unit and an extra personnel just in case for carrying  
19 equipment, if CPR is needed, the medics can do the IVs and  
20 stuff, they can do the manual labor.

21 Q How long did it take you to get there to the  
22 park?



1 A I was riding in the back. Average response time  
2 is five minutes, from the time you pick up the phone to the  
3 time we get on the scene, so let's say five to eight  
4 minutes because it's pretty far away at the firehouse.  
5 It's at the far end of our area.

6 Q Who was there when you got there?

7 A Who was there when we got there?

8 Q Yes, at the park.

9 A Okay. Driving on GW Parkway I noticed there was  
10 a gray car pulled over, looked like it had an accident or  
11 something. I think my sergeant called that in. We jumped  
12 onto the median strip to get into the park. Otherwise,  
13 we'd have to go all the way down to Key Bridge and turn  
14 around. We jumped the median strip. The entrance to the  
15 park, there was a red car with its hazards on. Pulling  
16 into the park, the engine went in first. Parked behind it  
17 there was nobody in sight at that time. Now, who else was  
18 in the park is what you're asking?

19 Q That you recognized. Were there other people in  
20 the park?

21 A There were two other people in the park and then  
22 the Park Police came up and stuff like that.

1 Q Were these two other people civilians?

2 A Yes, but they were back in the woods. As we were  
3 walking through the woods to find the body, we found them.

4 Q Did they come from the direction of where the  
5 body was?

6 A No.

7 Q How far away from the body were they when you saw  
8 them?

9 A Say 100, 150 yards maybe.

10 Q Wow, they were a good distance away, then?

11 A Maybe 100 yards, somewhere in that area. I mean,  
12 I can't say for sure because we were tromping through the  
13 woods, and I know there's other paths than what we took, so  
14 it might have been a shorter distance if you had gone  
15 another way. But the path we traveled, I want to say about  
16 100 yards.

17 Q How long were you there before the Park Police  
18 arrived?

19 A They arrived when we were in the woods, so I  
20 can't really say.

21 Q How long was it before you first saw a Park  
22 Police officer after you got there?

1 A Because we walked all the way down to the river,  
2 came back and we went to the body. When we came back they  
3 were there, so 10, maybe 15 minutes, if that.

4 Q And who discovered the body first?

5 A Todd Hall and George Gonzales. What we ended up  
6 doing, when we first pulled into the park --

7 MR. TREANOR: He asked you who discovered the  
8 body first.

9 THE WITNESS: I was going to say Todd Hall and  
10 George Gonzales discovered him first.

11 BY MR. IVEY:

12 Q Was there a Park Police officer there when you  
13 got to where the body was?

14 A I believe there was.

15 Q Do you know his name?

16 A I have no idea.

17 Q Was there any conversation going on when you got  
18 to where the body was?

19 A Conversation between who or what?

20 Q Any of the people out there by the body.

21 A We saw the gun, and we were just making fire  
22 department humor type things. I was just interested in

1 seeing a dead body. I'm always interested in seeing a dead  
2 body. If it looks good, I remember it. If it doesn't -- a  
3 good one is when a head is blown apart. I kind of remember  
4 that just so -- it's just something that firefighters do.  
5 Firefighters are a different breed altogether. And when we  
6 got up there, there was just conversation about yeah, he's  
7 here, you know.

8 Q Do you know if anybody checked for a pulse?

9 A No. I do not know if anybody touched the body or  
10 if anybody checked for a pulse. That's the one thing I  
11 think I should have done, but from what I saw and from what  
12 it looked like, he was obviously dead.

13 Q Why do you think you should have done it?

14 A Because I was riding in the back, although I  
15 wasn't first to the body, and I assumed that my sergeant or  
16 Todd who found the body, did it first, and they said yes,  
17 he's dead. So there would be no reason for me to go back  
18 and do it, but it was my job that day.

19 Q Did you have any indication that he might still  
20 be alive?

21 A No.

22 Q So where did you see the gun?

1 A Underneath the right hand, tucked underneath the  
2 right leg.

3 Q What color was the gun, do you recall?

4 A I saw a -- it was like a brownish, blackish gun.

5 Q Do you know what type?

6 A It looked like an automatic style.

7 Q Were you able to see --

8 A I saw a square handle and like a square barrel  
9 and stuff, and that was tucked under. To me, from what I  
10 saw, it looked like an automatic style. I don't know  
11 whether it was a .45, a 9 millimeter or anything like  
12 that. I just know that it seemed to be an automatic and  
13 not a revolver, like what was reported.

14 Q Did you see any blood?

15 A Yes.

16 Q Where was the blood?

17 A All down the right side neck, all down the right  
18 shoulder all the way to about here.

19 Q Where was the blood coming from?

20 A To me, it looked like there was a bullet hole  
21 right here.

22 Q In the neck?

1 A Yes, right around the jawline.

2 Q The neck and jawline underneath the right ear?

3 A Somewhere there. I would have to see a picture  
4 to point it out exactly where, but there was a little bit  
5 of blood coming out of the mouth, too, and a little out of  
6 the nose but the main was right here. I didn't see any on  
7 the left side. I didn't see any in the chest or anything.

8 Q For the record, when you say in the main right  
9 here --

10 A It was all from here, the neck all the way down  
11 to the right.

12 Q Down the right shoulder?

13 A Yeah, down to the right shoulder to about here.

14 Q And so was it pooled blood or was the shirt just  
15 damp with blood?

16 A Pooled meaning -- what do you mean? Was he lying  
17 in a pool of blood?

18 Q Was there standing blood or was it just --

19 A Was it going down the arm?

20 Q Was it pooled there or dripping?

21 A I didn't see any blood dripping. He looked like  
22 he was there for a while.

1 Q A while being how long?

2 A I can't say for sure. I'm not good at guessing  
3 the estimated time of death and stuff like that. I know --

4 Q Why did you say it looked like he had been there  
5 for a while?

6 A Flies were going in and out of his mouth. He was  
7 pale. He had no color to him. The blood wasn't moving.  
8 He just looked obviously dead. If you've seen a dead body,  
9 you can tell this one has been dead for about 20 minutes.  
10 This one has been dead and has no hope for recovery. I  
11 mean, you can kind of tell just by the looks, and the blood  
12 that I saw, it wasn't moving down the arm. It was just  
13 stationary.

14 Q At the time when the body was discovered, do you  
15 recall what Gonzales and Hall were doing? Were you able to  
16 see what they were doing?

17 A I wasn't there when they first discovered the  
18 body.

19 Q Were you guys running around in the park to look  
20 for the body?

21 A What we ended up doing is we pulled into the  
22 park, the engine and the medic unit. We had no idea where

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1 the body was. I've never been to the park and half of us  
2 had been to the park before -- I don't think any of us had  
3 been to the park before. We had no idea where the cannons  
4 were or anything. We, being an ALS provider -- advanced  
5 life support -- George being an ALS provider, George and to  
6 do took some ALS equipment like a heart monitor and stuff  
7 and went down one path and that's where he was, whereas I  
8 went with the engine company with some ALS equipment, an  
9 extra heart monitor, which was on the engine and stuff and  
10 went down another path because we saw two paths.

11 We had no idea. I went one way. They went the  
12 other day to find out if he was down here, we'd have ALS  
13 support with him. If he was up here, we'd have ALS  
14 support. ALS is advanced life support just in case he was  
15 alive. We went all the way down to the river. Have you  
16 ever been to the park?

17 Q No.

18 A When you pull into the parking lot, you can take  
19 a path at the very end down all the way down to the river.  
20 Going down the path up on a hill is where we saw the two  
21 civilians. We went all the way down to the river, didn't  
22 see any cannons, looked like a dumb path, dull, came all

1 the way back up to the parking lot, and that's where we met  
2 up with Todd and George and said yeah, he's over this way.  
3 Okay, I'll go take a look at him and that's when I went up  
4 to the body.

5 Q Did you see any wounds on the body?

6 A See any wounds? Like I say, I thought I said a  
7 bullet hole.

8 Q Did you see an exit wound anywhere?

9 A I did not see any exit wounds.

10 Q When you pointed there, you pointed to your neck  
11 under your ear?

12 A Yeah, where I pointed to before.

13 Q Did you guys put the body in a body bag?

14 A No. The ambulance came back later -- we left.  
15 The Park Police did their investigation and Fairfax County,  
16 the fire department does the transports to the morgue and  
17 stuff like that. So the ambulance came back. The  
18 ambulance came from our station and that's -- it's just  
19 like a basic life support EMTs, which is like first aid,  
20 basically. They went there and they picked up the body and  
21 put the body in the body bag.

22 Q Were you there at the point when the gun was

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1 recovered by a police officer?

2 A The gun was never touched when I was there.

3 Q Did you ever see any gunpowder anywhere?

4 A No.

5 Q Did you say at one point the body looked like it  
6 was ready for a coffin?

7 A Not in this thing here, not today.

8 Q No, not today.

9 A Okay. Yeah. The body was laying straight. He  
10 was on a hill about like 45 degree angle -- I don't know  
11 precisely -- but let's say a 45 degree angle hill and a lot  
12 of shrubbery, foliage, whatever you want to call it. His  
13 feet were pointing downhill. His head was uphill, and he  
14 was just laying perfectly straight. Head pointing forward,  
15 eyes open -- at least I think the eyes were open, I'm  
16 pretty sure they were -- and he was just laying perfectly  
17 straight, hands at his side. Gun was tucked underneath. I  
18 didn't notice any legs bent, twisted or anything.

19 Q So you were there about 30 to 40 minutes all  
20 together? Would that be right?

21 A Sounds about right. Could be right, yeah.

22 Q Did you see any footprints or anything around the

1 body?

2 A I wasn't looking for them.

3 Q What did his clothes look like, Mr. Foster's  
4 clothes?

5 A He had a white shirt on, blood stain on the right  
6 shoulder. It was a button-down shirt, suit pants or  
7 slacks. I want to say grayish. I mean, I really can't  
8 remember the exact colors.

9 Q Light or dark?

10 A I want to say like a light gray, but then again,  
11 I can't really remember the exact color. As far as if  
12 you're looking for were they pressed and neat and stuff, I  
13 didn't see where a struggle or something like that looked  
14 like it happened, if that's what you're trying to get at.

15 Q Well, you've raised doubts, I think, publicly or  
16 you've expressed doubts with people --

17 A Not publicly, just here.

18 Q That this was a 'suicide?

19 A That I said it was a suicide or that I don't  
20 think it is.

21 Q You've expressed doubts that it was a suicide?

22 MR. TREANOR: Excuse me. Let's make sure the

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1 record is clear. I think Mr. Arthur has made no public  
2 statements of any nature concerning what he observed or any  
3 conclusions that he drew that day.

4 MR. IVEY: That's fine.

5 MR. TREANOR: He's not submitted to any newspaper  
6 interviews. He's not spoken to any member of the media and  
7 I don't believe any member of the public. He has spoken to  
8 the fire department officials. He's spoken to me as his  
9 counsel and I believe he's spoken to his wife and to no one  
10 else about this matter. There have been firefighters who  
11 have submitted to interviews and have been quoted in the  
12 paper, but Mr. Arthur is not among them.

13 MR. IVEY: Okay. That's fine.

14 BY MR. IVEY:

15 Q You've expressed doubts that this was a suicide?

16 A Yes.

17 Q And what are those doubts based on? What are the  
18 reasons for you doubting it was a suicide?

19 A Okay. Whether it was a suicide or not, I really  
20 don't care. In my opinion from what I observed and from  
21 what was reported, I've just never seen a body lying so  
22 *perfectly straight after shooting a bullet in his head.*

1 And from what I saw, a gunshot wound here looked like a  
2 small sized bullet hole, small caliber, and from the gun  
3 that I saw, it appeared to be a larger caliber like an  
4 automatic or something. It just didn't match up. I mean,  
5 I didn't think about it right at the time.

6 After, you know, hearing about who this was and  
7 stuff then I started thinking yeah, okay. But you know, it  
8 just didn't seem right to me that a man would go shoot  
9 himself way back in the woods. He was pretty far back,  
10 over a hill and lay on an embankment in the woods when  
11 there are lots of benches around. I mean, the cannon -- he  
12 could have been leaning up the cannon or something, you  
13 know. It seemed like he was placed where -- you had to go  
14 off the beaten path to find him. Let's put it that way.  
15 He wasn't just right there. He had to go around the  
16 cannon, up a hill, and it just seemed a little difficult to  
17 be able to find him unless you were hiking through the  
18 woods.

19 I don't know how many people hike through the  
20 woods. The man was just laying perfectly straight, and the  
21 blood was here and anybody shooting himself here, okay,  
22 somebody could do that but how did the gun get underneath

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1 of his leg and just laying perfectly straight and not  
2 tilted to the side or anything, you know. And I don't  
3 know -- I heard a .38 revolver was reported and to me, a  
4 .38 would have an exit wound. I've seen .38 gunshot  
5 wounds before to the head, and they've had exit wounds  
6 before. I don't know, maybe just out of some weird  
7 coincidence or something, this one didn't, but from what I  
8 saw in past things, .38s usually have an exit wound.

9 Q Other reasons?

10 A Other reasons --

11 Q If there are any.

12 A There was no one there to show us where the body  
13 was. The phone call came from the pay phone outside of the  
14 park headquarters. Why would somebody call 911 from there  
15 when people were present at a building about 20 feet away.  
16 Why not just go to the park headquarters and say hey, look,  
17 there's a body up in the woods. But then again, maybe the  
18 person didn't want to be known or something. But it just  
19 seems -- the whole thing seems really strange to me.

20 Q Let me back up to one of the points you made.

21 You said no one was there to show where the body was.

22 A Correct.

1 Q Why does that --

2 A Usually if people call 911 and say hey, there's a  
3 body in the woods behind such and such an address, we go  
4 there. There's somebody there to point it out. You know,  
5 every now and then there's not because they don't want to  
6 be known who they are. Okay, fine. But they'll give us a  
7 precise location. The body is in the woods behind 30  
8 whatever court, the yellow house and we'll go to the yellow  
9 house and we'll see it. This one, there's a body lying  
10 next to a cannon in Fort Marcy Park.

11 I think we passed two or three -- he was laying  
12 next to the third cannon or second cannon -- I can't really  
13 remember -- I remember how to get to the spot but I can't  
14 remember how many cannons. If somebody wanted us to find  
15 the body precisely, why not just say there's a body next to  
16 the third cannon off to the path to the right rather than  
17 saying hey, there's a body in the woods next to the  
18 cannon. It just seems weird. And the bullet hole, the  
19 caliber from what I saw and that just didn't match up.  
20 Like I said, I'm not a forensic expert.

21 Maybe he used a lower caliber bullet or somebody  
22 used a low cal bullet and low cal gun. You know, I don't

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1 know. He was just perfectly straight. It just seemed  
2 weird, how the gun got underneath the leg and he was off  
3 the beaten path over a hill. I mean, most people wouldn't  
4 go back into shrubbery and sit down in all this shrubbery  
5 and everything around him and shoot himself. I mean, maybe  
6 he would, but I don't know. I didn't know the man, so I'm  
7 just saying it just doesn't seem like a normal suicide that  
8 I would have run into. Let's put it that way.

9 Q You said earlier you sort of had taken an  
10 interest in the case, and that was why you had tried to  
11 track down the number of where the call came from.

12 A Yes.

13 Q Did you read any subsequent reports in the  
14 newspapers or whatever about this investigation?

15 A Not really. Meaning what?

16 Q Newspaper articles.

17 A I didn't even know who it was until the very next  
18 day, to tell you the truth. I drove home. I talked to my  
19 wife about pretty much all the stuff that goes on, you  
20 know, and she said you know that body you guys found in the  
21 woods, it was such and such. I'm like okay, whatever.  
22 Interesting. I figured the Park Police are doing their



1 investigation and stuff and so I always go back and  
2 check -- I just play on the computer basically at work a  
3 lot.

4 And I was just pulling up the call to see  
5 everything that happened and stuff, and I saw U.S. Park  
6 headquarters. And I thought it was the U.S. Park Police  
7 headquarters, but it was actually U.S. Park headquarters,  
8 and I was sitting there thinking why would someone go to  
9 the U.S. Park Police headquarters and call 911 from a pay  
10 phone. That's why I was calling the pay phone.

11 When I found out where the pay phone was, I ended  
12 up driving down there, looking at it and going to the  
13 building to find out people who were there that day, and it  
14 just seemed weird that somebody would call 911 from a pay  
15 phone when there are people in the building that are  
16 controlling the parks like 20, 30 feet away or so. And I  
17 go back and I pulled up the report of George Gonzales, who  
18 was the officer that day, and he said he saw blood  
19 trickling out of the mouth and stuff, and it just didn't  
20 seem right to me.

21 Q Let me ask you about that. What about that part  
22 didn't seem right to you?

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1 A His report just didn't seem right. Yes, there  
2 was some blood, but I don't remember it trickling out of  
3 the mouth. Maybe he saw it running out of the mouth or  
4 something, but I didn't really see any blood running.

5 Q So you felt that Gonzales's report was maybe  
6 inaccurate in some way?

7 A I don't want to say inaccurate. What I felt  
8 inaccurate is he coded it as a -- in the reports you've got  
9 certain codes that we put down. A 952 is a situation --  
10 952 situation is a system medic unit or another EMS unit.  
11 A 960 is placed in service prior to arrival. He coded --  
12 I'm not sure what number it is but he coded it as a  
13 suicide, whereas I felt it was probably a homicide just due  
14 to all my observations and stuff, whereas the person that  
15 picked up the body, which was Corey Ashford, when he placed  
16 the body in the body bag, I pulled up his report and he  
17 coded it as a homicide. So it was just two conflicting  
18 reports there, and it just seemed really strange to me.

19 Q What kind of report is this?

20 A It was the -- when we get back to the station, we  
21 log our times and our destination in the book. Then we go  
22 back to another computer and pull up a form, and we type in

1 patient's name, all this stuff, and it's the patient  
2 information form. And on that form, you go back to it and  
3 you can write a summary about the whole call, about what  
4 you did and everything like that.

5 Whenever I do a report, I like to make a big  
6 novel, everything I did. Whereas George, he just real  
7 quick and boom, that's it. George is a nice guy. I have  
8 no problems with him, but there's a lot of people that feel  
9 that he is being in a sergeant's position -- we call him  
10 the one with the healing hands. He goes into houses and  
11 everything carrying his hands. He doesn't carry any  
12 equipment because he has a gold badge and he likes to  
13 delegate everything. Okay? So he's a nice guy, and I  
14 just -- I like to go back and check after everything when  
15 I'm on a unit -- I like to go back and check reports if  
16 it's something.

17 Q Does the patient information form have a number?

18 A Yeah.

19 Q What's it called?

20 A It's the event number. I don't know the number  
21 or whatever.

22 Q No, I mean the actual form itself. Is it like a

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1 tax form or 1040 or --

2 A No. It's in a computer. I don't know what the  
3 number is. There is a patient assessment form that when  
4 you're on the scene, you could fill out and leave a copy at  
5 the hospital and then when you get back to the firehouse,  
6 you transfer the information from that patient assessment  
7 form, which is, I think it's an FSA 206 or 209, and you  
8 transfer that information into the computer, and the  
9 computer form -- I don't know if it has a number or not. I  
10 know it's in the computer under communications.

11 Q Did you fill out a form in this case?

12 A It's not my job when I'm riding in the back.

13 Q So you didn't do one?

14 A No, I did not.

15 Q Did you take any notes at all?

16 A No.

17 Q Did you ever ask Gonzales about why he classified  
18 it as a suicide?

19 A No.

20 Q Did it seem unusual to you that he would say in  
21 *the paper that it was suspicious or imply that it was*  
22 *suspicious but it's still classified as a suicide?*

1       A   George is a character. George is the type of  
2 person, in my opinion, he can get pressured into doing a  
3 lot of things. If everybody around him are saying hey,  
4 man, I think that might be a homicide, he likes to be the  
5 big man in charge, meaning the gold badge, and he would  
6 approach and go to the papers and say yeah, I think it was  
7 this because of this, this and this. I never approached  
8 him. I never asked him why he classified it as a suicide.

9       I talked to Corey who put the body into the body  
10 bag. He classified it as a homicide. He didn't talk to  
11 anybody when he came back to the firehouse after doing the  
12 body. He went straight -- he did his report and then he  
13 didn't even know who it was or anything like that. I mean  
14 he might have known. He might have put in a name or  
15 whatever, but I asked him if there was an exit wound, and  
16 he said no. He said the head was intact when he picked it  
17 up. So that's just another thing that led me to believe  
18 that it could have been a homicide.

19       Q   So you did talk with Corey about this, Corey  
20 Ashford?

21       A   Yes. I can't remember what night or when or  
22 whatever, but I talked to him and it was -- I can't

1 remember when I've talked to people or when. It's been  
2 over a year now.

3       Q   That's fine. As far as what you guys talked  
4 about, do you recall that?

5       A   Like I said, I asked him if the head was intact  
6 and he said yeah. I asked him how he coded it as a  
7 homicide, and he said that's what he thought it was.

8       Q   Did he say why he thought it was a homicide?

9       A   I didn't ask him.

10       Q   Did he ask you what you thought about it?

11       A   No, not that I can recall.

12       Q   Let me ask you this: If I told you that there  
13 was no gunshot wound in the neck, would that change your  
14 view as to whether it was a suicide or not?

15       A   No, because I mean -- I've read the reports and  
16 all that stuff and the report from Fiske came out and he  
17 says there's no gunshot wound to the neck and there was no  
18 sign of struggle and that it was definitely, from what I  
19 understand -- let me see if I can remember this right -- he  
20 used an old-style revolver, put it in his mouth upside down  
21 and pulled the trigger. What I saw is what I saw. I saw  
22 blood all over the right side of the neck, from here down,

1 all over the shoulder, and I saw a small -- what appeared  
2 to be a small gunshot wound here near the jawline. Fine,  
3 whether the coroner's report says that or not, fine. I  
4 know what I saw.

5 Q What about the exit wound at the back of the  
6 head?

7 A Is there one? I didn't know there was one.

8 Q Did you come across that when you read the  
9 report?

10 A No. I mean, I didn't read the whole Fiske  
11 report. I've just read bits and pieces, like in newspaper  
12 articles and stuff like that. Was there an exit wound?

13 Q Let me ask it this way. If I told you there was  
14 an exit wound in the back of the head, right about here,  
15 pointing to the middle of the back of my head, would that  
16 change your opinion as to whether it was a suicide or  
17 homicide?

18 A In my opinion, from where I saw a hole, it could  
19 have gone up through or something. It wouldn't change my  
20 opinion. It's still a mystery to me. Now, whether he shot  
21 himself or not, I don't know.

22 Q Let me ask you this: The point you pointed to on

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1 your neck the jawline or the neck line, about 2 inches  
2 underneath the ear, if that bullet had gone straight  
3 through --

4 A Straight through this way or this way?

5 Q This way, the way you were pointing it first.

6 A It probably went up if it went into his brain.

7 Q If it went through this way, where would the exit  
8 wound be on the left side of his head? Wouldn't it --

9 A If it went up this way, it probably would be  
10 coming out like this.

11 Q You think it could have come out of the exit  
12 wound that they found?

13 A I don't know. Anything is possible. I know  
14 people that have been shot in like the shoulder and have it  
15 come out like over here or something. Shot here and come  
16 out way down here from ricocheting off the bones. So what  
17 I'm saying is it could have gone up here and I don't know,  
18 maybe followed the jawline up or maybe through here  
19 underneath the jaw and out the back or something. I never  
20 knew there was an exit wound in the back.

21 Q Let me ask you this: You studied aspects about  
22 bones and the skull and that part; right?

1 A Uh-huh.

2 Q Between the neck, if it went in the way you  
3 thought it did, are there bones that you would think would  
4 be big enough to change the direction of a high-caliber  
5 bullet of the caliber you thought you saw?

6 A The caliber that I thought I saw, I don't think  
7 there would be bones to change the direction, no.

8 Q Do you feel that's a straight line if it went  
9 into the middle of the neck and came out of the back of the  
10 head?

11 A I don't know. I'd have to see where the exit  
12 wound was.

13 Q Actually, let me ask you this: Did you see any  
14 gunpowder around the neck area where you thought you saw a  
15 bullet?

16 A No.

17 MR. TREANOR: You mean stippled around the  
18 wound?

19 THE WITNESS: "Stippled" meaning what?

20 MR. IVEY: I mean gunpowder.

21 THE WITNESS: "Stippled" meaning what?

22 MR. TREANOR: I'm talking to counsel. You're

---

1 asking about --

2 MR. IVEY: Just gunpowder.

3 BY MR. IVEY:

4 Q Did you see anything like that?

5 A Not that I can recall.

6 Q Did you see any type of black or dark spots  
7 around that area of the neck in a circular pattern?

8 A Not that I can recall. I remember it being dark  
9 there, maybe from a blood clot or blood drying up there  
10 or -- I don't know.

11 Q In your experience as a technician, have you seen  
12 shots where there was gunpowder or that series of a  
13 circular dark pattern of dark marks around --

14 A I've seen pictures. I mean, the main suicides we  
15 get are like shotgun wounds in the mouth, and the gunshot  
16 wounds we see that are suicides, we can get up there and  
17 half the head is blown off. So as far as the circular  
18 pattern, I've never seen that in real life.

19 Q Did you see that on Mr. Foster, anywhere on him?

20 A Not that I can recall.

21 Q Let me ask you one more question about that. If  
22 I told you that they found an entrance wound in the upper

1 part of his mouth --

2 A That's what I remember from the reports.

3 Q -- and that was in a straight line to the exit  
4 wound in the back of the head, would that change your view  
5 as to whether it's a homicide or suicide?

6 A If that's what they found, and that's what they  
7 say they found, then fine. That's what they found. I know  
8 what I saw. Now, if I saw that, and that's what was there  
9 and that's what I saw and I saw the exit -- if it appeared  
10 that the man shot himself in the mouth or something, then  
11 fine, maybe he shot himself in the mouth and it was a  
12 suicide, but to me, from the positioning of the body and  
13 the gun that I saw and stuff, it just didn't look like a  
14 suicide.

15 Q Let me ask you this, too. If the gun was  
16 actually a .38 revolver, and they found an empty spent --

17 A Cartridge.

18 Q -- cartridge inside the gun and a live round in  
19 the gun and the two cartridges matched, would that change  
20 your view as to whether it was a suicide or homicide?

21 A I'm really not saying that it's a suicide or  
22 homicide. I'm just saying what I saw.

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1 Q Would you still be as doubtful as to whether it  
2 was a suicide or not?

3 A I'm doubtful in the sense of what I saw. And  
4 what I saw was what I told you. Now, if they found all  
5 that stuff, okay.

6 Q But I guess I'm trying to see if additional  
7 information -- I mean, when you came to the scene, there  
8 was pieces of information that you looked at.

9 A And more information helps out. I understand  
10 that. And as far as the exit wound, you know, I never knew  
11 there was an exit wound. That helps out, that a gunshot  
12 wound, exit wound there, but as far as I know, I saw the  
13 gunshot wound here.

14 Q How about if I add a couple more factors for  
15 you.

16 A Okay.

17 Q Let's say they found gunpowder in the mouth  
18 around the entrance wound, gunpowder on the hands, more on  
19 the right hand than on the left hand and the powder  
20 matched, the powder in the mouth and on the hand. Would  
21 that change your view at all?

22 A From what I saw -- I mean, from what you're

1 saying and everything that they've reported and stuff, it  
2 sounds like a suicide. From what I saw, to me, there's  
3 question. Now, I didn't see the powder on the hand. I  
4 didn't see the powder in the mouth. I didn't see the  
5 entrance wound in the mouth. I didn't see the exit wound.  
6 I didn't see all the things you just told me. So there's  
7 still question in my mind.

8 Now, if I was to take you for your word and  
9 believe everything and stuff like that, then fine, it could  
10 be a suicide, but I'm still saying there's question because  
11 I didn't see all that. And if the man put a gun in his  
12 mouth and blew his head backwards, how did the gun get  
13 under his leg? How come he was laying perfectly straight?  
14 How come there was only blood going down the right side of  
15 the neck down the right shoulder? Why not the left side?

16 Q Let's take those one at a time.

17 A Take what at a time?

18 Q The points you just made.

19 MR. TREANOR: Relax. Wait until he asks the  
20 question and answer the questions that he asks you.

21 BY MR. IVEY:

22 Q Again, I'm just adding additional factors. If I

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1 told you that the officer who removed the gun from his hand  
2 found that his thumb was stuck between the trigger and the  
3 trigger guard in such a way that he couldn't just pull it  
4 off, he had to actually cock the weapon so the trigger  
5 could move back before he could take the gun away, would  
6 that change your view at all?

7 A No.

8 Q So let me ask you this: If you had to write a  
9 report today, the type of report you were saying that  
10 Gonzales and Ashford wrote, and you had all of this  
11 information before you --

12 A All of what information?

13 Q The entrance wound being in the mouth, on the  
14 neck. The entrance wound and the exit wound being in a  
15 straight line, .38 caliber bullet, spent and a live round  
16 in the .38 caliber gun, which was found in his hand, the  
17 thumb being stuck between the trigger and the trigger  
18 guard, gunpowder found around the entrance wound in the  
19 mouth, gunpowder found on the webbing of the right hand,  
20 lesser amount on the webbing of the left hand, if you were  
21 writing that report with that information, would you  
22 classify it as a suicide or homicide?

1       A    If I had all that information and that's what I  
2 saw, then yes, it would be a suicide, in my opinion.  
3 Although I wasn't there when the trigger was pulled so I  
4 can't say for sure, but to me it sounds like it was a  
5 suicide with that information.

6       Q    Did you talk to anybody at your fire station or  
7 in your department about what you had seen that night,  
8 other than I guess Corey Ashford?

9       A    The chief called and asked me what I saw and I  
10 said I saw him laying there perfectly straight and flies  
11 going in and out of his mouth --

12       MR. TREANOR: Excuse me. He's not asking what  
13 you said. He's asking if you talked with anyone else.

14       BY MR. IVEY:

15       Q    What did the chief say to you?

16       A    He asked me what I saw, if I saw anything -- how  
17 did he word this -- he said they're getting a lot of phone  
18 calls from reporters and stuff like that, and I think he  
19 said -- he asked me what I saw, if I saw anything strange,  
20 stuff like that. And at this time, there were no reports  
21 out about the caliber of the weapon and all this stuff and  
22 stuff like that, so I said nothing real strange to me

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1   because I figured everybody else there saw what I saw.

2       Q    Did the chief typically call you about cases?

3       A    No.

4       Q    Was this the first time he had called you about a  
5 case that you had been on?

6       A    Yes.

7       Q    Did he sound upset or stressed or tensed at all?

8       A    No. He's a really nice guy.

9       Q    Did he mention any people calling him other than  
10 the press?

11       A    Not that I can recall.

12       Q    Between you and the chief, what's the hierarchy?

13       A    Okay. It goes from the lowest point to the  
14 chief, it goes firefighter/technician, which is me, from  
15 technician you go to sergeant, lieutenant, captain,  
16 battalion chief. Then I think it goes assistant chief and  
17 deputy chief and then chief. I'm pretty sure that's how it  
18 goes.

19       Q    So the names in between, we've got you as the  
20 technician --

21       A    Oh, I don't know all the names in between.

22       Q    We'll fill in the ones that we can.



1       A    The names change in between --  
2       Q    Was Gonzales the sergeant that night?  
3       A    The night he called?  
4       Q    The night you went to Fort Marcy Park.  
5       A    It would be Sergeant Gonzales, would be my  
6 immediate supervisor. And then it would be Lieutenant  
7 Bianchi. From Lieutenant Bianchi, you would go to  
8 Captain -- I guess it was Rubino at the time. I can't say  
9 for sure. It might have been Rubino. From Captain Rubino,  
10 it would be Battalion Chief Swigett. Then it goes to  
11 assistant chief.  
12       Q    Well, did you know who was the assistant chief  
13 that night, or is it the same assistant chief all the time?  
14       A    They've switched, and I can't really remember.  
15 It could have been Wheatley, Stienette --  
16       Q    Let me phrase it this way: Did an assistant  
17 chief ever call you about this case?  
18       A    Not that I can recall.  
19       Q    And the chief -- what's the chief's name?  
20       A    Gaines.  
21       Q    Did he ever call you other than this initial one  
22 here?

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1       A    He called me yesterday because I notified him  
2 that I'm coming down here, and it was just basically a call  
3 back saying okay, you got subpoenaed, go ahead and go. But  
4 he hasn't called me ever since then.  
5       Q    When he talked to you yesterday, did he ever talk  
6 to you about what you were going to say?  
7       A    No.  
8       Q    Did he talk to you about that the first time he  
9 called you?  
10       A    No.  
11       Q    Did you ever do anything in writing to him, write  
12 a report or anything like that?  
13       A    No.  
14       Q    Have you ever written any kind of report about  
15 this incident?  
16       A    No.  
17       Q    Did you ever take any notes about this incident?  
18       A    No.  
19       Q    Now, did Lieutenant Bianchi or Captain Rubino  
20 talk to you?  
21       A    Captain Rubino, no. Lieutenant Bianchi, we never  
22 really talked about the incident except that I wasn't

1 allowed to talk about it to anybody.

2 Q That was Bianchi said that?

3 A Lieutenant Bianchi told me from orders higher up  
4 said that I'm not allowed to talk to anybody about this if  
5 I value my job. I said well, what about the CIA, FBI and  
6 all that stuff? He said you are not allowed to talk to  
7 anybody if you value your job. That's when I got a little  
8 nervous, and I then called my counsel here, and that's how  
9 Mr. Treanor here came into the picture, and I've just got  
10 counsel to make sure that my job was safe, and he's  
11 basically walking me through this.

12 Q About when was it that you contacted Mr. Treanor?

13 A I don't know the exact day. Do you?

14 Q I mean roughly. Do you remember if it was like  
15 cold weather, fall, spring?

16 A I had a coat on, I think. Say late winter, early  
17 fall -- or late winter, early spring, somewhere in there.

18 Q It would have been after Christmas?

19 A Yeah, I would say so, yes.

20 Q So that would be --

21 A It would be after Christmas.

22 Q Early '94, then?

1 A Yes.

2 Q Early 1994.

3 A Okay.

4 Q Has anybody since that conversation said anything  
5 about your job, implying that if you did or did not do  
6 something, you might lose your job or it might endanger  
7 your job?

8 A How did it go? I ended up talking with the  
9 lieutenant -- not Lieutenant Bianchi, and he told me I was  
10 allowed to talk to anybody I wanted to and that was  
11 Lieutenant Collier, and he said I was allowed to talk to  
12 anybody I wanted to, and I think this was at the time I was  
13 starting to get questioned by the FBI, and he said you're  
14 allowed to talk to anybody you want to, and I said press,  
15 anybody? He said yeah, you can talk to anybody you want  
16 to. There's a lot of press coming in the area.

17 I decided not to get my name involved with  
18 anything. Don't worry about anything. From that point, a  
19 couple days ago when I was contacted by Kelly Cordes,  
20 whatever, there's a note in our book that says you have to  
21 contact Life Safety -- I forget her name -- and she told me  
22 I am not allowed to talk to talk to anybody unless I get

1 subpoenaed and stuff like that.

2           So I mean, I'm getting the runaround and stuff  
3 like that and my chief said to get everything correct, you  
4 go to the chief's office and get the word from the chief so  
5 basically, my job is secure now, and I'm just making sure  
6 I'm telling the story to the right people and the proper  
7 people.

8           Q    You spoke with the chief and the chief said what?

9           A    Yesterday, you mean?

10          Q    After you got the subpoena and you went to Life  
11 Services and --

12          A    Yeah, and I spoke with the chief and the chief  
13 said you got subpoenaed? And I said yes. He goes okay,  
14 just go in there, say what you can, say what you saw.  
15 Don't elaborate on anything and get out of there. I said  
16 okay. He goes have you talked to the county attorney, and  
17 I said no, and he goes well -- I said I have my own  
18 attorney and he said well, I'm still going to put you in  
19 touch with the county attorney. The county attorney called  
20 me and I referred him to Mr. Treanor here, and that was the  
21 extent of the chief's conversation with me.

22          Q    Do you have any idea what the county attorney

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1 said at all, just you? If you don't, that's fine.

2          A    Basically if Mr. Treanor needs his assistance, to  
3 give him a call.

4          Q    Otherwise --

5          A    Otherwise, just don't worry about it.

6          Q    So at this point, there's no concern on your part  
7 about your job being in danger?

8          A    That's correct.

9          Q    Did anybody ever mention anything about being  
10 contacted by the White House or having any kind of pressure  
11 from the White House?

12          A    I remember a lot of stuff about the White House.  
13 I don't remember who, and I don't remember who from the  
14 White House.

15          Q    What kind of stuff about it?

16          A    Just a lot of talk around the firehouse, how the  
17 White House was involved and how this was a gentleman from  
18 the White House and how we're not supposed to talk and  
19 stuff. Around the firehouse, there's so many -- I work at  
20 the biggest firehouse in Fairfax County. It has the most  
21 people on duty at one time in this firehouse. There's so  
22 many conversations going on at one time that you really

1 can't remember who said what. We got two TVs in the same  
2 room and they're both going on, different channels at the  
3 same time.

4 Q Did you talk to anybody else in the department  
5 other than the list you just gave about your deposition or  
6 about going to talk to the special counsel?

7 A I mean everybody on my shift knew. I mean, the  
8 word goes around the fire department like who's going to  
9 talk and stuff like that, but I never really explained what  
10 I said and stuff like that to anybody.

11 Q Did they ever try and tell you what you should  
12 say?

13 A No.

14 Q Or influence what you were going to do?

15 A No.

16 Q Have you been contacted by anybody with the  
17 federal government other than the people you've mentioned  
18 already? And I'm excluding the people that interviewed you  
19 for the special counsel.

20 A Okay.

21 Q Anybody else from the federal government contact  
22 you?

1 A Not that I can recall.

2 Q And other than the people you've mentioned so  
3 far, has anybody from the state and local government  
4 contacted you, Fairfax County, state of Virginia, anything  
5 like that?

6 A No. It seems like I've been kind of hushed,  
7 hushed, myself.

8 Q If I could have just a moment.

9 MR. IVEY: I don't have any other questions.  
10 (Discussion off the record.)

11 EXAMINATION

12 BY MR. DARMER:

13 Q Mr. Arthur, do you know if the chief contacted  
14 any of the other personnel who were in Fort Marcy Park?

15 A I think he contacted all of them, but I can't say  
16 that for sure.

17 Q Do you know which ones for sure that he  
18 contacted?

19 A I know Lieutenant Bianchi was contacted. That's  
20 the only one I know.

21 Q You just heard the others were contacted?

22 A Everybody was contacted.

1 Q How do you know that?

2 A Because we all were contacted. Now, at what time  
3 we were contacted varied because we could have been out on  
4 calls or whatever. At the time I was contacted, I got  
5 contacted by the chief directly. Lieutenant Bianchi was in  
6 the room with me so I know he got contacted because he  
7 talked to them first. He called me in. Then I left and if  
8 he called somebody else in to find out, pulled them in one  
9 by one, I don't know. But I know that everybody got  
10 contacted, whether it was by the chief directly or by  
11 somebody in his office, but everybody was contacted.

12 Q Have you had conversations with people about what  
13 they talked about with the chief?

14 A Huh-uh.

15 Q Do you remember the name of the county attorney  
16 that the chief wanted to put you in touch with?

17 A Pete -- it began with an A. He spoke with him.  
18 Pete something.

19 Q Do you know if other people -- other people in  
20 your fire department who were at the Fort Marcy scene have  
21 retained private counsel?

22 A I don't think anybody has.

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1 Q Do you know if any people who were at the scene  
2 talked to the county attorney?

3 A I think Corey Ashford has.

4 Q Did you report back to the chief or anybody else  
5 in the department after you met with the FBI?

6 A Just that I was there. I told them I went there,  
7 but I didn't report back as saying what I said and what  
8 went on and stuff like that. No one has asked me.

9 Q You never had a substantive conversation with the  
10 chief about the case?

11 A No.

12 Q Do you have any special training in weapons or  
13 ballistics?

14 A As far as --

15 Q Courses, classes.

16 A I was in the Army.

17 Q For how many years?

18 A A little under a year.

19 Q Why did you leave the Army?

20 A ELS, entry level separation, just got out.

21 Q What did you do while you were in the Army?

22 A I was a grunt, level bravo. As far as special

1 weapons and stuff, my grandfather was a cop. My father was  
2 a cop for a short time and my lieutenant at the firehouse,  
3 he is a gun expert, and there's always gun magazines laying  
4 around the firehouse. The firehouse I was at before this  
5 one, my sergeant down there was a green beret so he had  
6 guns and magazines so I'm pretty familiar with what guns  
7 look like. I can't -- if you throw like five guns on the  
8 table and they all look similar but they're all different  
9 names and stuff, I can't tell you the names and whatever,  
10 but that's an automatic, that's a revolver. This is a  
11 rifle and that's a high caliber, that's a low caliber. I  
12 can distinguish stuff like that.

13 Q Would you be able to draw what guns look like, if  
14 you were asked to?

15 A Yes, I could say so.

16 Q You would be able to draw what a .38 revolver  
17 would look like, for example?

18 A I guess I could, yes.

19 Q Why don't you draw it on this piece of paper.

20 A You want a .38 revolver?

21 Q .38 revolver.

22 A Okay. I mean, I could draw a revolver. Not

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1 whether it's a .38 or not.

2 Q Just any kind of revolver would be fine.

3 A I'm not an artist.

4 Q Would you write underneath what you drew.

5 A .38 revolver. Do you want me to sign it?

6 Q Actually, on the same page, would you also draw,  
7 if you could, a .45.

8 A An automatic.

9 MR. DARMER: Could we have that marked as an  
10 exhibit.

11 (Arthur Exhibit 3 identified.)

12 BY MR. DARMER:

13 Q Were you ever contacted by the Park Police in  
14 this case after the fact?

15 A Not directly, no.

16 Q They never contacted you to ask you to give a  
17 report or talk to you?

18 A No.

19 Q Did you try to contact anyone in the Park Police?

20 A No.

21 Q Did you ever tell anyone in the department that  
22 you thought this case might be something other than a

1 suicide?

2 A I can't recall if I ever told anybody that or  
3 not.

4 Q Did you ever talk about that with Sergeant  
5 Gonzales?

6 A No.

7 Q Did you see Sergeant Gonzales's assessment before  
8 it was written?

9 MR. TREANOR: I didn't hear the question.

10 BY MR. DARMER:

11 Q Did you see Sergeant Gonzales's assessment before  
12 it was written?

13 A The report?

14 MR. IVEY: I don't understand the question. Did  
15 you see the report before it was written?

16 THE WITNESS: You're talking about the draft that  
17 you write at the scene and this then you bring it back and  
18 put it into the computer? You're talking about the draft?

19 BY MR. DARMER:

20 Q Do you know if he did a draft?

21 A I don't know.

22 Q Do you know if he took notes at the scene?

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1 A I can't say. I don't know.

2 Q With respect to the bullet wound that you think  
3 you saw in the -- at the scene, could you describe in some  
4 detail exactly what you thought you saw?

5 A I saw what appeared to be a bullet hole, which  
6 was right around the jawline on the right side of the neck.

7 Q About how big?

8 A It looked like a small-caliber entrance wound,  
9 something with -- I don't want to say a .22 or whatever,  
10 but it was a small caliber. It appeared to be a smaller  
11 caliber than the gun that I saw.

12 Q Can you estimate how big it was?

13 A I can't say for sure about how big the hole was.  
14 I can't really estimate. There was blood all around it,  
15 blood down the side of the neck. I wasn't really looking  
16 for gunpowder. I wasn't looking for -- my job when you get  
17 on the scene is to see if a patient is alive or dead and if  
18 I can help them. The patient was dead. I took a quick  
19 look, saw what appeared to be a bullet hole, saw the blood  
20 on the side of the neck, so I guess I assumed it was a  
21 bullet hole.

22 Q Was the blood dry?

1       A    It wasn't running.  
2       Q    Any other things that you noticed about the  
3 bullet wound you thought you saw or you said you saw?  
4       A    I'm not sure what you're --  
5       Q    I just want to know what you saw. How close were  
6 you to the body when you saw this?  
7       A    2, 3 feet.  
8       Q    Did you notice any man-made debris or garbage  
9 around the body or the area where the body was?  
10      A    Don't recall.  
11      Q    Do you think that George Gonzales was pressured  
12 into classifying this case as a suicide?  
13      A    I'm not saying that. I don't know. He  
14 classified it, I think, without talking to anybody first.  
15      Q    You say you saw the gun slightly under the leg?  
16      A    Yes.  
17      Q    Could you explain or give me some indication as  
18 to how it was situated? \*  
19      A    The barrel of the gun was under the leg. His  
20 hand was on the clip portion. It was not tucked all the  
21 way under his leg. Just part of the barrel was underneath  
22 of his leg. It was, I want to say pointed -- almost

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1 pointed towards his leg. I don't think it was pointed at  
2 any kind of angle but I can't remember that for sure, what  
3 angle.  
4      Q    And could you describe again how his hand was,  
5 where his hand was with respect to the gun.  
6      A    His hand was laying on the gun. I don't remember  
7 if any fingers or thumbs or anything were in the trigger or  
8 anything like that. I just remember his hand being on the  
9 gun.  
10     Q    So was his hand on the gun or was it grasping the  
11 gun?  
12     A    I want to say on the gun. I can't really say he  
13 was grasping.  
14     Q    How big would you say the blood stain was on the  
15 shirt that you observed?  
16     A    Well, from -- maybe an inch or so up from the  
17 elbow on the right elbow up the sleeve and like from the  
18 collar bone all the way around. It was like all around  
19 here.  
20     Q    Did it go over on to the back?  
21     A    I didn't roll the patient over so I couldn't  
22 tell.



1 Q Did you touch the shirt?

2 A No, I did not.

3 Q Could you tell if the blood was dry or wet?

4 A I couldn't tell just by looking at it.

5 Q Mr. Arthur, based on your experience and your  
6 view on the Fiske report, do you have any concerns about  
7 the investigation that you'd like to discuss with us or  
8 share with us?

9 A Concerns meaning what?

10 Q Any thoughts about the case other than what  
11 you've expressed today?

12 A The only thing I want is for this whole thing to  
13 be over. Whether it was classified as a suicide or  
14 homicide, I don't care. I'm not big into political  
15 anything. If we ever find out if it was a suicide, if we  
16 ever find out it was a homicide, like I said, I could go  
17 either way.

18 Q I do have another question for you. Do you  
19 recall being shown pictures by the FBI?

20 A Yes.

21 Q What kind of pictures were they, if you know?

22 A They were pictures of the body on the scene.

1 Q Were they Polaroid pictures?

2 A No, they weren't. They didn't appear to be  
3 Polaroid pictures. They appeared to be the pictures that  
4 the Park Police took on the scene, .35 millimeter, I would  
5 say.

6 Q Were they clear?

7 A They appeared to be pretty clear.

8 Q Do you remember how big they were?

9 A I'd say 8-by-10.

10 MR. DARMER: That's it. I don't have any further  
11 questions.

12 MR. IVEY: I have no further questions. I'd like  
13 to thank you for your time.

14 (Whereupon, at 4:15 p.m., the deposition was  
15 concluded.)

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RICHARD M. ARTHUR

CERTIFICATE OF NOTARY PUBLIC & REPORTER

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I, JULIE BAKER, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn; that the testimony of said witness was taken in shorthand and thereafter reduced to typewriting by me or under my direction; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and, further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

  
\_\_\_\_\_  
Notary Public in and for the  
District of Columbia

My Commission Expires      SEPTEMBER 30, 1997

**EXHIBIT 2****UNITED STATES OF AMERICA****Congress of the United States**To Richard ArthurFairfax Fire DepartmentWashington, D.C., **Greeting:**

**Pursuant to lawful authority, YOU ARE HEREBY COMMANDED to**  
**appear before the** Senate **Committee on** Banking  
**of the Senate of the United States, on** July 14, 1994,  
**at** 2:00 **o'clock** p. **m., at their committee room** 542 Dirksen  
Senate Office Building, Washington, D.C., **then and there**  
**to testify what you may know relative to the subject matters under con-**  
**sideration by said committee.**

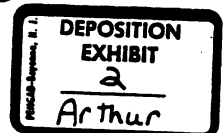
Matters pertaining to Senate Resolution 229 -see attachment

**Perot fail not, as you will answer your default under the pains and pen-**  
**alties in such cases made and provided.**

To Norman Burrell

to serve and return.

**Given under my hand, by order of the committee, this**  
**twelfth day of** July, **in the year of our**  
**Lord one thousand nine hundred and** Ninety-four.

  
 Chairman, Committee on \_\_\_\_\_


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July 12, 1994

I made service of the within subpoena

by FAX to Richard  
Arthur's attorney,

the within-named \_\_\_\_\_

Mr. Gerard Treanor, at  
1100 Connecticut Ave, N.W.  
Suite 730

Washington, D.C.

FAX No. (202) 775-8702

at 5:30 o'clock, p.m., on

the 12<sup>th</sup> day

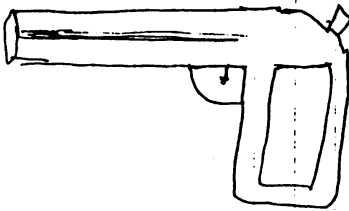
of July, 1994

Attachment to subpoena for  
Richard Arthur.

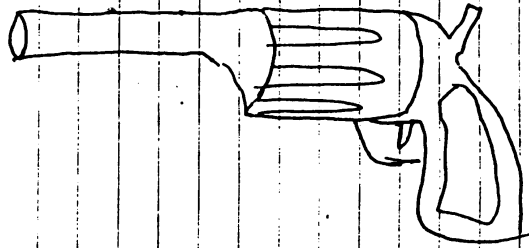
**SENATE RESOLUTION 229**

- (1) Communications between officials of the White House and the Department of the Treasury or the Resolution Trust Corporation relating to the Whitewater Development Corporation and the Madison Guaranty Savings and Loan Association;
- (2) the Park Service Police investigation into the death of White House Deputy Counsel Vincent Foster; and
- (3) the way in which White House officials handled documents in the office of White House Deputy Counsel Vincent Foster at the time of his death.

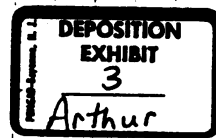
**EXHIBIT 3**



Automatic



38 Revolver



**DEPOSITION OF KEVIN B. FORNSHILL  
IN RE: S. RES. 229**

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**TUESDAY, JULY 12, 1994**

**U.S. SENATE,  
COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS,  
Washington, DC.**

Deposition of KEVIN B. FORNSHILL, called for examination pursuant to notice of deposition, at 2:30 p.m. in the Dirksen Senate Office Building, Room G-59, before DAVID L. HOFFMAN, a Notary Public within and for the District of Columbia, when were present:

**GLENN F. IVEY, Esq.**  
Majority Counsel  
**ROMAN E. DARMER, III, Esq.**  
**PAUL GOLDENBERG, Esq.**  
**IRA PAULL, Esq.**  
**JULIE FALLON, Esq.**  
Minority Counsel  
Committee on Banking, Housing, and Urban Affairs  
U.S. Senate  
On behalf of the Committee.

**PHILIP MATTHEW STINSON, SR., Esq.**  
The Commons at Valley Forge  
1220 Valley Forge Road  
Suite 45  
P.O. Box 809  
Valley Forge, Pennsylvania 19482-0809  
On behalf of Deponent.

**ALSO PRESENT: CATHERINE W. CORCORAN**

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## EXHIBITS

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| Kevin B. Fornshill<br>DEPOSITION NUMBER | IDENTIFIED |
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| Exhibit 1 (S. RES. 229) .....           | 4, 138     |
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## PROCEEDINGS

(2:30 p.m.)

Whereupon,

KEVIN B. FORNSHILL

was called as a witness herein, and having been first duly sworn, was examined and testified as follows:

## EXAMINATION

BY MR. IVEY:

Q Good afternoon. My name is Glen Ivey. I'm counsel for the Senate Banking Committee. I assume you've met the other counsel around the table. I don't know if you want to introduce yourselves on the record or not.

MR. DARMER: You have the appearances already, so I'll excuse myself.

BY MR. IVEY:

Q Basically, we wanted to have you come in today, and I wanted to ask some questions about your investigation of the death of Vincent Foster.

It's my understanding that you were an officer who was on the scene at the time?

A That's true.

Q In addition, there are some statements that

---

4

you've made in newspaper articles that were attributed to you. I wanted to ask you some questions about that. I was going to ask you questions about your background, what you did that day, and also about these statements.

I guess I wanted to show you this, too, if we could have that marked, is Senate Resolution 229, which is I guess the agreement among the Senators as to how the hearings would be conducted.

(The document referred to was marked for identification as Deposition Exhibit Number 1.)

(Handing document to witness.)

MR. STINSON: Can we get a copy of that?

MR. IVEY: Sure.

BY MR. IVEY:

Q The first part is the relevant part, because it talks about the three parts or the areas the investigation is supposed to cover. One of them was the Vincent Foster part.

I just wanted to point that out to you so you understand that's part of the resolution.

The second thing I wanted to do was put in this

1 letter, which is a letter from -- and that's Exhibit two.  
 2 It's a letter to you from I think Mr. Codinha, if I'm not  
 3 mistaken.

4 (The document referred to was  
 5 marked for identification as  
 6 Deposition Exhibit Number 2.)

7 MR. IVEY: Codinha, I'm sorry.

8 MR. STINSON: Yes, it's from Bill Codinha.

9 BY MR. IVEY:

10 Q I understand this was all kind of late, last-  
 11 minute, and I apologize because I understand it also caused  
 12 some inconveniences for you but that was, I guess,  
 13 unavoidable, just given the time rush.

14 A Fair enough.

15 Q I want to ask you a couple of questions.

16 First, I want you to state your name and spell  
 17 your name and your social security number, and your age.

18 A First name is Kevin, middle name is Brian --  
 19 you've got me nervous now, Brian with an I-A-N, and last  
 20 name is Fornshill, F, as in Frank, O-R-N-S-H-I-L-L.

21 Social security number is 228-92-1124.

22 Q Is this the first time you've done a deposition?

1 A In these proceedings, yes.

2 Q I just want to ask a few questions. Obviously,  
 3 it's related to work that you've done, but you're not  
 4 implicated in anything, so you can try and relax. It  
 5 shouldn't take too long to get through it.

6 Obviously, your statements are under oath, and I  
 7 know that you'll be answering the questions honestly and  
 8 everything.

9 I would ask you not to speculate or guess. If I  
 10 ask you a question, and you have a clear recollection of it,  
 11 then say, but if you're not sure, just say that too.

12 If I ask a question that you don't understand,  
 13 then ask me to repeat it or rephrase it and whatever, and if  
 14 you want to talk to your attorney, that's fine too.

15 A Okay.

16 MR. IVEY: As far as objections, your counsel can  
 17 raise them, and I assume the republicans can raise them too,  
 18 but really there should be only two here.

19 As to the form of the question, if I ask a  
 20 question, whether it's compound, and an answer like "yes,"  
 21 wouldn't make sense, then someone can object to the form.

22 The other one would be the scope of the questions

1 which means that it would go beyond what we talked about  
2 here in the resolution in Exhibit One.

3 Is there anything that I've talked about already  
4 that you don't understand or that you have questions about?

5 A No.

6 Q Where do you live?

7 A In Leesburg, Virginia.

8 Do you want the exact address?

9 MR. STINSON: Wait a second. Is this at any time  
10 going to become public record in the transcript?

11 MR. IVEY: Yes.

12 MR. STINSON: He can't give his home address out  
13 because of the nature of the work he's involved in.

14 MR. IVEY: That's fine.

15 BY MR. IVEY:

16 Q In your current position, what do you do?

17 A I'm a uniformed patrol officer with the U.S. Park  
18 Police.

19 Q How long have you been with them?

20 A Seven years this month.

21 Q During those seven years, what type of work have  
22 you done for them?

1 A I've done everything from basic uniform work to  
2 plain clothes investigations to tactical investigations  
3 which I'm involved in at this time.

4 Q Is there a homicide division within the Park  
5 Police?

6 A There's a detective division.

7 Q They investigate homicides as well as other types  
8 of major crimes?

9 A Major crimes, special crimes.

10 Q Did you ever work in that?

11 A No.

12 Q What are your responsibilities in your current  
13 position?

14 A As a tactical officer or as a uniformed patrol  
15 officer?

16 Q What were you on July 20, 1993?

17 A I was a uniformed patrol office.

18 Q What were your duties then?

19 A Basically a uniform response to any type of  
20 situation or investigation, anything that's initiated, self-  
21 initiated, reported over the radio, or by telephone.

22 Q Do you have -- how does the structure work there

1 for the Park Police?

2 A At any given time, depending on how many officers  
3 are on the street, a sergeant should be the next ranking  
4 officer up who'd be in charge of the squad on the street.

5 Then there's a field commander, which would be  
6 the commander of all squads on the street at any particular  
7 and would go up to captain rank, major, deputy chief, and  
8 assistant chief.

9 Q Do you recall who was the sergeant on July 20th?

10 A Sergeant Bob Edwards.

11 Q Okay.

12 Now you said you respond to calls, I guess?

13 A Yes.

14 Q Is that why you went to Fort Marcy Park on July  
15 20th?

16 A Yes.

17 Q Do you remember the nature of the call?

18 A It went over the air as a DB, which is our code  
19 for dead body.

20 Q Do you know if it had been a 911 call?

21 A I have no idea. It went over the air, and I  
22 imagine the Committee is going to have access to the tapes.

1 I believe it was through Fairfax County, which means that  
2 somebody contacted Fairfax County who, in turn, relayed the  
3 call to our department.

4 Q Do you remember about when you got the call about  
5 where you were?

6 A Where I was? I was at the entrance, the parkway  
7 entrance to the CIA.

8 Q How far away is that from Fort Marcy Park?

9 A I would say less than two and a half miles.

10 Q After you got the call, did you go straight to  
11 Fort Marcy Park?

12 A Yes.

13 MR. STINSON: I think you need to clarify your  
14 answer a little bit because he wasn't dispatched to the  
15 call. He was on a special assignment at the CIA, and wasn't  
16 working as a beat officer on that evening.

17 THE WITNESS: Let me explain the circumstances.

18 BY MR. IVEY:

19 Q Okay, sure.

20 A Ours is a uniform presence at the entrance to the  
21 CIA in two different locations. After the shooting that  
22 occurred back in February of last year, we provide them with

1 uniform deterrent presence. We have two patrol cars as I  
 2 say at two entrances to the CIA, one being the parkway  
 3 entrance where I was at, and then one off of 193.

4 What is that, Georgetown Pike?

5 MR. STINSON: Over at the McLean entrance.

6 THE WITNESS: It's to augment their security  
 7 force and to make a more clear uniform presence.

8 At that particular day, I was assigned to, as I  
 9 said, the parkway entrance to the CIA.

10 The call went over the air to the beat officer,  
 11 which is Car 211, to respond to a report of a DB, which is a  
 12 dead body.

13 At the time, I believe that beat car was tied up  
 14 with something. There was some transmission on the radio,  
 15 and the first available opportunity I had, I requested  
 16 permission from my sergeant to respond and assist.

17 BY MR. IVEY:

18 Q That would be Sergeant Edwards?

19 A Yes.

20 Q What happened then?

21 A He authorized me to respond, and I went directly  
 22 to Fort Marcy Park to assist Fairfax County Fire and Rescue.

1 Q Do you know about what time that was?

2 A Six o'clock, perhaps a few minutes after.

3 Q P.M.?

4 A Yes.

5 Q Okay. About how long did it take you to get to  
 6 the park?

7 A I'd say less than two minutes.

8 Q Who was there when you got there?

9 A Fairfax County Engine and a rescue ambulance  
 10 vehicle.

11 Q Why an engine?

12 A I don't know what their policy is.

13 Q Do you remember how many people were there about?

14 A Perhaps six, maybe seven Fairfax County Fire  
 15 Rescue personnel.

16 Q You were the first Park Police?

17 A I was, yes.

18 Q Do you know if there were any civilians there?

19 A There were a number of cars in the parking lot,  
 20 and I was told later that some persons on, I think it was,  
 21 they were doing some repair work on a trail, they were on  
 22 the opposite end of the park. There's a nature hiking trail

1 that I imagine they were doing some work on.

2 Q So they were workers?

3 A Well, they were volunteers. We have a lot of  
4 volunteer organizations that come in and do work around the  
5 park areas and work on the trails, trying to keep them in  
6 good shape.

7 Q All right.

8 Do you remember the names of any of the six  
9 Fairfax people?

10 A The only one that sticks in my mind is Gonzalez.

11 Q Why does that name stick in your mind?

12 A Because it's appeared in print a number of times.

13 Q Do you remember talking with him?

14 A I responded onto the scene, and I'm under the  
15 impression that I got there just after they did.

16 I asked them if they'd recovered the body yet,  
17 and they said, no, they hadn't gone into the area to look  
18 for the body.

19 Originally, when the broadcast went over the air,  
20 it made reference to a second cannon in the park area. I  
21 wasn't familiar with the location of the second cannon so  
22 myself and the rescue workers went into the park area in

14

1 order to locate the body.

2 Q Had any other officers arrived at that point?

3 A No, not yet.

4 Q Did you just fan off individually?

5 A Basically, we went in as a group of three; myself  
6 and the two paramedic/EMTs. When we came over the crest of  
7 the hill from the parking area, it opens up.

8 Have you folks been into the area?

9 Q No, I haven't been.

10 A It opens up into a large grove-type area.  
11 There's Park Service Times telling about the history of the  
12 park, there's some benches, perhaps a couple of picnic  
13 tables and there's a single cannon out in the middle of this  
14 grove area.

15 We checked that area rather thoroughly and we  
16 headed north through the park area.

17 Going up an incline, we came to what I originally  
18 thought was the end of the park, and the paramedics went in  
19 one direction, and I looked to my right and saw that there's  
20 what could best be described as a hidden grove that opened  
21 up into another park area. And that's where the second  
22 cannon was located.

1 I'd say it's secluded. There's a lot of growth  
2 that was growing over the path and it was difficult to see  
3 this hidden grove.

4 Q Did you go back in there?

5 A Yes, I did. I instructed the paramedics to go  
6 one direction, had them check that direction. I said I  
7 would check this way, meaning this hidden grove area.

8 I went through the brush and into the grove, and  
9 that's where I located the cannon and subsequently the body.

10 Q Take me through. You just got to the second  
11 grove or the hidden grove. Then what did you do?

12 A I ran through the brush and sort of fixated on  
13 the cannon, saw the cannon, as I approached the cannon. The  
14 closer I got, I could see what appeared to be the top of a  
15 person's head.

16 Q Let me back you up.

17 You said you ran through?

18 A Yes. Well, we were running because we're dealing  
19 with a situation and we don't know if we have a body or not  
20 a body, so we want to check to see if the person needs any  
21 assistance or not. That's our main concern going through  
22 the area.

1 Q So then you see the top of the head?

2 A Yes.

3 Q About how far into this hidden grove was it  
4 before you saw the top of the head?

5 A I was running at a pretty good clip so I cleared  
6 some foliage, some trees, some, well, brush. I ran towards  
7 the cannon, and I would say I was approximately perhaps 30  
8 feet away from the cannon when I actually first saw the top  
9 of the head.

10 Q After you saw the top of the head, what did you  
11 do?

12 A I went to what I thought originally was a  
13 mannequin. I went to the body and approached it, sort of  
14 did a cursory check of the body to make sure it was human,  
15 and then I called out to the paramedics and had them respond  
16 over.

17 Q When you say you did a cursory check, what does  
18 that mean?

19 A Again, originally, when I saw the top of the head  
20 from a distance, I thought it may have been a prank or a  
21 mannequin or somebody putting a dummy out there.

22 Again, when I approached the body, I wanted to

1 make sure, first of all, that it was human and not a  
2 mannequin, a hoax.

3 When I determined that it was in fact a human  
4 body, I went ahead and called the paramedics over. That's  
5 what my cursory check was for.

6 Q Did you touch the body?

7 A Absolutely not.

8 Q What did you do?

9 A I looked at the body.

10 Q You looked. Okay. Did you move any brush?

11 A Absolutely not.

12 Q How close did you get to the body?

13 A My closest probably was about perhaps five feet.

14 Q Did you see, well, what did you see when you  
15 looked at it?

16 A I approached the body from the body's left hand  
17 side. I looked down at the body. It was at a slight  
18 incline and I was standing on this embankment. I did my  
19 cursory check, called out to the paramedics and I moved from  
20 the left hand side of the body to the right hand side of the  
21 body to maintain observation to make sure nobody disturbed  
22 the crime scene.

---

1 Q How much of the body could you see?

2 A Clearly, with an unobstructed view, I would say  
3 the chest area on up. I could see all the way down to the  
4 feet, but I'd have to strain to clear some brush, some  
5 bushes growing on the embankment.

6 Q Did you see a gun at that point?

7 A Absolutely not, no.

8 Q I know it's been a long time, but do you recall  
9 the position of the head when you first saw the body?

10 A The body was at an incline, as I said. As best  
11 I can recall, the position of the head was slightly at an  
12 angle. I'd say it was resting on the shoulder on the right  
13 hand side.

14 Q When you say the body was on an incline, was the  
15 head up or the feet?

16 A The head was up.

17 Q After you looked at the body and determined this  
18 was a human, what did you do then?

19 A That's when I called out to the paramedics. I  
20 moved to the opposite side of the body so I could sort of  
21 keep the crime scene intact, keep it in sight.

22 Q Did they come over?



1 A Yes, they did.

2 Q Was Gonzalez one of the people who came over?

3 A Yes, he was.

4 Q Do you remember how many of the paramedics came  
5 over?

6 A Originally there were two, Gonzalez and his  
7 partner.

8 (Discussion off the record.)

9 THE WITNESS: I didn't exactly know their names  
10 at the time. My assumption was that through the newspaper  
11 reports, it was Mr. Gonzalez so it was a team, a black  
12 paramedic and a white paramedic.

13 BY MR. IVEY:

14 Q Would it be fair to say that you're not sure of  
15 the name, then?

16 A That's fair enough.

17 Q All right.

18 After they came over, do you recall if they  
19 touched the body?

20 A They went through some type of what best can be  
21 described as an assessment to determine whether or not the  
22 body was alive. I don't know what their procedures are to

---

20

1 make that type of determination, but at one point, the black  
2 paramedic or EMT bent over, obstructing my view, and  
3 appeared to be -- I don't want to say manipulating -- but  
4 working around the area of the body, the head part of the  
5 body.

6 My view was obstructed for a short period of time  
7 because of the fact that he was crouched or bending over,  
8 and he straightened back up. That was about it.

9 Q Tell me about the part that you did see.

10 Did you see them manipulate the body or touch the  
11 body at all?

12 A As far as -- no, I really can't because my view  
13 was obstructed. I just know that my presumption is they  
14 were working in the area of the head, and since he was bent  
15 over, the paramedic, I couldn't say for sure whether or not  
16 his hands even touched the body because my view was  
17 obstructed.

18 Q So you don't know if they checked for a pulse or  
19 not?

20 A I'm assuming they did, but I couldn't say that I  
21 actually saw the hands go onto the body and check it.

22 Q After he did this assessment, did he say

1 anything?  
2 A He said, do you see the gun?  
3 Q To you?  
4 A Yes.  
5 Q What did you say?  
6 A I said, no, I don't see any gun.  
7 And the black paramedic said, there's a gun in  
8 his right hand, so I sort of strained a little bit, and  
9 because of the bushes and the growth on the ground, I  
10 couldn't see what he was talking about.  
11 Q Did they ever say, he's dead, or anything like  
12 that?  
13 A That was basically assumed.  
14 Q What happened after he pointed out the gun?  
15 A They backed off, and the paramedics were joined  
16 by, I believe, about four other firefighters.  
17 Q At this point, were they hurrying still?  
18 A No. Everything was pretty much relaxed after  
19 that, the firefighters came to the area, perhaps about four  
20 more. There was some conversation between them, the two  
21 paramedics who were originally there, and the firefighters  
22 who came to the area.

---

1 They sort of looked over the body a little bit,  
2 and they were swapping stories amongst themselves.  
3 And shortly after that time, they left the area.  
4 Q Do you remember what they were talking about?  
5 A About different cases they'd handled, basically  
6 just telling war stories to each other about this and that.  
7 Q Do you remember any of the details?  
8 A I remember there was a woman there, a brunette or  
9 light brown or blonde hair. And she said something about  
10 this is like that case we handled at such and such time, you  
11 know.  
12 From what I gathered from the conversation, this  
13 particular incident keyed on something else they'd responded  
14 to at one time, but I wasn't really paying attention.  
15 Q Did you see any blood on the body?  
16 A Yes.  
17 Q Where did you see the blood?  
18 A There was a slight trail of blood coming out of  
19 the mouth on the right hand side over the lips and down the  
20 chin.  
21 Q Any other blood?  
22 A Not that I could see, no, sir.

- 1 Q So after the firefighters and the paramedics  
2 talked -- well, about how long did they talk?  
3 A Perhaps less than two minutes.  
4 Q Did you see them use the radio at all?  
5 A Not that I recall.  
6 Q Did you use the radio?  
7 A Yes, I did.  
8 Q At what point did you use the radio?  
9 A When I originally found the body and I called the  
10 paramedics over, I advised our communications that the DB  
11 had been located at the second cannon. And I believe I  
12 tried to give directions to any responding officers where it  
13 was, since it was such a secluded area.  
14 At that particular time also, at one point, I  
15 believe the paramedic, when he showed the gun, or tried to  
16 show me the gun, saying there's a gun there, I advised  
17 communications that it appeared to be a suicide, and then  
18 basically there was dead air for awhile until I was  
19 relieved.  
20 Q And you said that it appeared to be a suicide  
21 based on what?  
22 A Based on the determination the person was dead.
- 

- 1 Again, my assumption from the paramedic and that the gun was  
2 found in his hand, which is what the paramedic told me.  
3 Q Was that on a recorded channel?  
4 A Yes, it was.  
5 Q Did other officers come after you made that call?  
6 A Yes.  
7 Q About how long did it take them?  
8 A Perhaps less than five minutes.  
9 Q Were they all Park Police?  
10 A Yes.  
11 Q Did you ever seen any FBI agents during that day?  
12 A Oh, no.  
13 Q So other Park Police agents came. Do you recall  
14 who they were?  
15 A Well, Officer Ferstal, who was the officer who  
16 took the initial report, Officer Franz Ferstal, Franz,  
17 F-R-A-N-Z, Ferstal, F-E-R-S-T-A-L.  
18 He's the officer whose name will appear on the  
19 initial report. He was the beat man who handled the  
20 incident.  
21 Q Which report was it?  
22 A The Park Police Report that initiated this.

1 Q Do you guys have numbers for those?  
 2 A I don't have that case number, no.  
 3 Q I mean the form?  
 4 A It'll be Park Police Form 10343.  
 5 Q So he wrote that one?  
 6 A Yes.  
 7 Q Did you sign any of these?  
 8 A No, I didn't.  
 9 Q A list of detectives. I think Rolla came.  
 10 A I guess eventually, yes.  
 11 Q But he didn't come initially?  
 12 MR. STINSON: Was he there before he left?  
 13 THE WITNESS: No. He wasn't there while I was  
 14 there.  
 15 BY MR. IVEY:  
 16 Q Ferstal came, and then who else came?  
 17 A Sergeant Bob Edwards, who was my supervising  
 18 sergeant that day.  
 19 Q He's the one that you'd spoken to?  
 20 A Yes, to get permission to respond.  
 21 Q About how long did it take them to get there?  
 22 A Again, probably less than five minutes after I

1 responded to the area.  
 2 Q Where are your headquarters out there?  
 3 A The headquarters or the station?  
 4 Q The station, I'm sorry.  
 5 A The station's out at Glen Echo, Maryland. It's on  
 6 the opposite side of the river.  
 7 Q But it's not very far?  
 8 A It's some distance.  
 9 MR. STINSON: It's closer if you swim. You've  
 10 got to go all the way down.  
 11 THE WITNESS: You can't go across Chambers  
 12 because it's one way.  
 13 BY MR. IVEY:  
 14 Q Where did Bob Edwards come from?  
 15 A I don't know. I think he was on the Virginia  
 16 side of the river, along with Officer Ferstal, but as far as  
 17 where they responded from, the tapes will indicate that.  
 18 Usually, when we respond to serious scenes, say  
 19 it's an accident or some type of criminal event, the  
 20 responding officer let's the supervisor know the location  
 21 that they're responding from to give the other officers and  
 22 people monitoring the radio an indication of how long it

1 will take them to get there.

2 So, in my case, I was the beat officer working  
3 the CIA. I was responding from the parkway at the CIA. So  
4 everyone would assume I was the closest vehicle to respond.  
5 That's why I was given permission to respond.

6 Q So Edwards was maybe in a cruiser that was  
7 already on the road?

8 A Yes.

9 Q Would that be true for Ferstal too?

10 A Yes. Since he was the beat man that day, he was  
11 somewhere on the parkway on the Virginia side.

12 Q So the conversation was like relayed through the  
13 dispatcher?

14 A Yes.

15 Q Or did you communicate directly?

16 A I don't believe we went to an alternate channel.  
17 Everything was basically over our primary channel, so  
18 everyone could monitor it.

19 Q The channels, are they B and D?

20 A One and Two. We work primarily on channel two.

21 Q Are both channels recorded?

22 A I know channel two is. As far as channel one, I

---

28

1 know they attempt to but sometimes it doesn't work.

2 Q Is it a weaker frequency?

3 A Yes.

4 That electronic stuff, I don't know anything  
5 about.

6 Q So Ferstal and Edwards come. Did they come  
7 together or in separate cars?

8 A They came in separate cars. Officer Ferstal,  
9 Franz, he relieved me, and basically took charge of the body  
10 and the crime scene.

11 Q When you say he relieved you, what do you mean?

12 A I mean he physically --

13 Q Took charge?

14 A Yes, he physically. There's always someone there  
15 until we're relieved by a supervisor or the investigators,  
16 so I maintained the integrity of the crime scene until I was  
17 relieved by another officer.

18 (Discussion off the record.)

19 THE WITNESS: Okay, the death scene.

20 So when I was relieved by Franz Ferstal, I was  
21 cleared to return back to my beat, which I did. On the way  
22 back down to my car, I passed Sergeant Edwards, who was

1 heading up the hill.

2 BY MR. IVEY:

3 Q Then you went back to your car?

4 A I went back to the parking lot. There was a lot  
5 of confusion with other cars coming in. My car, Officer  
6 Ferstal's car, the sergeant's car, and about that time, the  
7 investigators would be rolling in.

8 I believe Officer Hudakovic, who at that time was  
9 a plain clothes investigator.

10 Q And he's an investigator?

11 A She, Christine, she was an investigator at the  
12 time. She's back in uniform now. She's at the same station  
13 you can reach me at.

14 Q Do you remember any of the other officers over  
15 there?

16 A No. While I was leaving, the other officers were  
17 responding to the scene, the investigators would put  
18 themselves out over the radio as being in the area or at the  
19 scene.

20 Q At that point, did you leave the scene?

21 A Yes. I was ordered by Sergeant Edwards to return  
22 back to my beat.

1 Q Why did he do that?

2 A Again, since it's basically a high priority beat  
3 that the uniform presence at the CIA, after February of last  
4 year.

5 Q That being when the guy was shot, the guy shot  
6 people. Okay.

7 MR. STINSON: Since then, they've maintained a  
8 uniform presence during the prime times of the day at both  
9 entrance ways and for various reasons, they don't like the  
10 cars leaving there. And typically it's a marked car.

11 THE WITNESS: That day it was an unmarked car.

12 MR. STINSON: Because there were no more cars  
13 available.

14 THE WITNESS: There were no more cars available.

15 BY MR. IVEY:

16 Q They had you leaving initially because it was an  
17 emergency situation?

18 A Yes.

19 Q And as soon as the emergency was over, they sent  
20 you back?

21 A Exactly.

22 Q Did you talk to them at all before you left the

1 scene?

2 A As far as who?

3 Q Ferstal or Edwards?

4 A Basically when Officer Ferstal found me, I said,  
5 you know, here you go. And, again, I was told to respond  
6 back to the CIA as soon as possible.

7 There was really no information to be exchanged  
8 because I didn't touch the body or any part of the death  
9 scene.

10 On the way back down the hill, I passed Sergeant  
11 Edwards who told me again to respond back to the CIA, since  
12 that's a priority beat for us.

13 Q And earlier, you'd said on the radio, it looked  
14 like a suicide or an apparent suicide or something like  
15 that?

16 A Yes.

17 Q Would that have been on the same channel that  
18 Ferstal and Edwards were using?

19 A Yes.

20 MR. STINSON: Can we clarify that? It would have  
21 been the same channel that they all monitor and the main  
22 dispatch channel, but he's not aware of they may have

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1 switched the channel to communicate with each other after he  
2 left, so he doesn't know what channel they were listening to  
3 at that time.

4 THE WITNESS: Before I left, we were all  
5 operating on the same channel.

6 MR. STINSON: They would have monitored, but they  
7 may have been in communication with each other or other  
8 people on another channel, and he would not have known about  
9 it.

10 MR. IVEY: Sure.

11 BY MR. IVEY:

12 Q Did you talk with any of these guys later on?

13 A I passed -- you mean later on?

14 Q I mean later that day? Next week?

15 A I passed Sergeant Edwards on the hill.

16 Q The hill being?

17 A In Fort Marcy, there's a bit of an incline. I  
18 was going down, he was coming up. He was carrying a  
19 polaroid camera to take some pictures of the crime scene.

20 Q Who was this?

21 A Sergeant Edwards.

22 Q Okay. Is he a technician?

1 A No. But some of the cars have polaroids; some  
2 don't.

3 Q Okay.

4 A I went back to the parking lot. I think I had a  
5 conversation with one or two of the firemen, and then I left  
6 the area.

7 Q But I mean like how long did your shift go that  
8 day?

9 A I got off at 8:00 o'clock that night.

10 Q Then did you go back?

11 A I went back to the station. I engaged in a  
12 conversation with Officer Hudakovic whose name I gave you  
13 earlier, and I asked if there was any need for me to  
14 document my involvement in the investigation, just being the  
15 first one to respond to the body. And it was felt that  
16 there was really no need for me to document anything.

17 Q That was because?

18 A Basically, I was relieved by the beat man.  
19 Nothing unusual had occurred, to my knowledge, and at the  
20 time it was investigated, so --

21 Q And as far as the document?

22 A It would basically be just writing a report and

---

1 signing off on it and sending it through the system.

2 Q Like an incident report? Is that 10343?

3 A Yes, sir.

4 Q As far as procedures for filling those out, are  
5 there any rules that you follow?

6 A There are certain guidelines.

7 (Discussion off the record.)

8 THE WITNESS: Basically, what would happen, let  
9 me explain the procedures. Officer Ferstal, who's the beat  
10 man, originally got the call to respond. He would be the  
11 one who would document the report.

12 All further investigations would be under the  
13 case number that he initiated, so everything is going to be,  
14 any supplemental reports will be under the case number that  
15 he started, he originally wrote.

16 BY MR. IVEY:

17 Q And Ferstal did fill out one of these?

18 A Yes, he did.

19 MR. STINSON: Let me just clarify. Anything that  
20 Officer Fornshill would have written would have been a  
21 supplement to the original report, so it's not normal  
22 practice that he would have written his own full report. It



1 would have been a supplement to the other report and what he  
2 testified a few minutes ago, that he was told there's no  
3 need for him to do that, so it's not normal practice.

4 Correct me if I'm wrong. I don't want to testify  
5 here, but it's not normal practice for them to write a  
6 supplement on every incident that they respond to.

7 MR. IVEY: Okay.

8 BY MR. IVEY:

9 Q Let me see if I follow, and you can put it in  
10 your own words, if I mischaracterize it.

11 But the beat man that gets the call is supposed  
12 to do the report?

13 A Basically that's it.

14 Q As far as the rules for doing the report, I mean,  
15 if he goes and there's no incident, does he still have to do  
16 a report?

17 A It depends on the type of incident.

18 MR. STINSON: Or non-incident.

19 THE WITNESS: Or non-incident.

20 BY MR. IVEY:

21 Q Let's take it for this one. We don't have to do  
22 a hypothetical for this type of incident. We have a dead

---

1 body. Someone's supposed to do a report, I take it?

2 A Yes.

3 Q That would be the beat officer who gets the  
4 original call?

5 A Yes.

6 Q And Ferstal did the report?

7 A Exactly.

8 Q Have you seen it?

9 A I think I looked at it sometime after the  
10 incident, perhaps a month or so after the incident.

11 Q As far as you doing a report, it would only have  
12 to be or it should only be a supplement to that initial  
13 report?

14 A Exactly.

15 Q You have what, CCN numbers, chron numbers or  
16 something like that?

17 A Yes.

18 MR. STINSON: But only if he were asked to do  
19 that. It's not the normal practice that everybody who goes  
20 to a call generates a supplement.

21 What I'm trying to point out is the fact that he  
22 did not generate a supplemental report is not out of the

1 ordinary.

2 MR. IVEY: Okay, that's fine. I'm just trying to  
3 clarify for the record.

4 BY MR. IVEY:

5 Q That's correct?

6 A Yes.

7 Q And you checked to see if you were supposed to do  
8 a report?

9 A I asked, yes.

10 Q And they said, no?

11 A Basically, when you get a chance to see Ferstal's  
12 report, if you get a chance to see it, it will read that at  
13 such and such time and date, I relieved Officer Fornshill  
14 where a dead body was located at Fort Marcy Park, and from  
15 then on, any supplemental reports will be using the same  
16 case number, and most of what's going to continue on is the  
17 investigators, the detectives will be doing supplemental  
18 reports under the same case number.

19 Q Did any of the detectives on the scene come and  
20 talk to you?

21 A No.

22 Q Do you know who the detectives were?

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1 A I'm drawing a blank on that one. There was  
2 Investigator Braun, B-R-A-U-N. I think she was associated  
3 with it somehow. Her first name is Cheryl.

4 And I know Detective Markland was involved. He's  
5 a sergeant now.

6 Q Pete Markland?

7 A Yes.

8 Q John Rolla?

9 A I think that's his first name, yes.

10 Q What about Hume, Charles Hume?

11 A I don't think he responded to the scene.

12 Q None of these guys ever talked to you about the  
13 crime scene?

14 A No, not that I know of.

15 Q Not the crime scene, sorry. The scene?

16 MR. STINSON: The death scene.

17 BY MR. IVEY:

18 Q Did you ever talk to any of the other officers or  
19 people out there about what had happened?

20 A There was some conversation the next day after  
21 the news had announced whose body it was at Fort Marcy, and  
22 there was some conversation about that, but there was no

1 official debriefing in regards to me being interviewed by  
2 the detectives or the investigators.

3 Q Did anybody ask you what you thought had happened  
4 out there, even informally?

5 A Theories and such? Oh, everyone speculates. I  
6 mean, we're sitting around the police station all day  
7 throwing theories.

8 Q What were your thoughts at that point? What did  
9 you think had happened?

10 A It appeared to me to be a suicide, but I'm not a  
11 trained investigator. I'm just a uniformed patrol officer.

12 (Pause.)

13 Q You mentioned the reports or newspaper articles  
14 or something that you had seen.

15 What articles did you see?

16 A What articles did I see?

17 Q That mentioned the names.

18 A That I was directly involved in?

19 Q Did you say that you read --

20 A Gosh, I read the Post article, the Washington  
21 Post, the New York Post, fine paper that it is, and gosh.

22 MR. STINSON: Are you asking what articles he's

1 read about the incident in general or specific articles that  
2 he was mentioned in?

3 MR. IVEY: That he saw in general.

4 THE WITNESS: The large article in the Post, I  
5 believe it was August of last year, and then I think the  
6 back to back articles in the New York Post, January of this  
7 year.

8 BY MR. IVEY:

9 Q At what point did you find out that the person  
10 that had killed himself was an aide in the White House?

11 A The next morning when I went into work about 5:00  
12 o'clock in the morning, listening to the morning news.

13 Q Did you look through some of these articles?

14 A I was curious about it. You mean the actual  
15 newspaper articles about right after the death? No. It  
16 didn't strike me as being really important at the time.

17 Q At what point did these folks call you, the New  
18 York Post?

19 A That was early January of this year.

20 MR. IVEY: Would you mark these for me?

21 (The document referred to was  
22 marked for identification as

1 Deposition Exhibit Number 3.)  
2 (The document referred to was  
3 marked for identification as  
4 Deposition Exhibit Number 4.)

5 (Pause.)

6 MR. DARMER: Was there a question pending?

7 MR. IVEY: No, I hadn't asked one yet.

8 BY MR. IVEY:

9 Q Other than these two articles, do you know if  
10 you've been quoted in any other articles?

11 MR. STINSON: Wait a second. Let me clarify  
12 something for the record.

13 The only time that he spoke to anybody from the  
14 press was after he was specifically told to do so by the  
15 chief's office with the Park Police.

16 And just for the record, there were two such  
17 incidents. One was with the New York Post, and one was with  
18 the Washington Post.

19 And the second article from the New York Post  
20 quotes the Washington Post article. That's what this is  
21 about.

22 Just for the record, there were two incidents

1 when he was specifically ordered to talk to these people.

2 BY MR. IVEY:

3 Q Who ordered you to talk to the papers?

4 A The Chief's Office, Major Hine, who handles all  
5 media inquiries.

6 Q What's the first name?

7 A The first name, Hine, H-I-N-E, Hine.

8 Q Did they say why?

9 A Because we were being overwhelmed by media  
10 inquiries, and while the investigation was going on, they're  
11 not allowed to release any information or to grant any  
12 interviews.

13 At the conclusion of our end of the  
14 investigation, because I'm assuming that again the  
15 department was overwhelmed, they granted interviews by me to  
16 both Posts, the New York Post and the Washington Post.

17 Q Did they say, "you can talk to them, Kevin," or  
18 did they say, "we want you, you have to talk to them?"

19 A He said you will go here. Well, one particular  
20 morning, as a matter of fact, I was told to respond to Fort  
21 Marcy Park and conduct an interview with a Japanese news  
22 girl, which was pretty interesting. If you ever have a

1 chance to get a tape of that, I'd like to know. I'd like to  
2 see that if there are any subtitles under my name.

3 Then the Post, the Washington Post, again, I was  
4 basically ordered to interview or ordered to speak with one  
5 of the reporters and the New York Post again, I was told to  
6 talk to this Ruddy person, Mr. Ruddy.

7 (Discussion off the record.)

8 THE WITNESS: The Post, the New York Post had  
9 been pushing these bungled investigations and such and  
10 rather than add more fuel to this cover up theory and lousy  
11 investigators that the Park Police are, went ahead and  
12 granted these interviews, trying to clear up a lot of  
13 suspicion on everyone's part.

14 BY MR. IVEY:

15 Q Let me see if I follow you.

16 The Park Police were getting a lot of negative  
17 publicity?

18 A Absolutely.

19 And the fact that also I was being hounded by  
20 different news media.

21 MR. STINSON: Let me just clarify that.

22 My interpretation was they were trying to debunk

1 a conspiracy theory. If we let Fornshill say something, if  
2 we tell him to respond to a few of these questions, it will  
3 shut everybody up, not specifically as to the Park Police  
4 having done a bad job, but just to sort of try to quash the  
5 furor, which was the motivation, as I understood it, at the  
6 time, because we had on-going discussions as this was  
7 unfolding.

8 MR. IVEY: Did you talk with them directly, or  
9 did he talk with them?

10 THE WITNESS: I'm sorry? With the media?

11 BY MR. IVEY:

12 Q Let me ask it this way.

13 The basis of the statement that it was aimed at  
14 sort of quashing a conspiracy theory?

15 A That's our theory. The Chief's office calls up  
16 and he says, call so and so and talk to him. In this case,  
17 it would be Mr. Ruddy. Talk to him about the Foster case.  
18 And I would call him up, or I would accept his phone call.  
19 Otherwise, if I don't have authorization to talk to him,  
20 then I'm not allowed to, which is what happened on a lot of  
21 occasions.

22 People were calling me at home, calling my family

1 up because my brother's listed in the phone book and so is  
2 my grandmother. It was pretty annoying to receive these  
3 phone calls and I was basically tired of it, and I sort of  
4 vented my frustration to everyone in the station, and  
5 somebody ran it up to the Chief's office.

6 Q The statement, though, that we're trying to  
7 quash, that there was an attempt to quash conspiracy  
8 theories, what's the basis of that statement?

9 A I think that's just a theory that everyone agreed  
10 with at the time.

11 Q Everyone being who?

12 A The conservative media, spokespersons, newspaper  
13 articles.

14 MR. STINSON: Let me clarify that. That was me  
15 talking. It's unusual for a Park Police officer to be  
16 ordered by the Chief's office to specifically talk to the  
17 media about something, especially something, you know, of  
18 this nature.

19 Typically, police department matters are handled  
20 at a different level in dealing with the media.

21 MR. IVEY: Wait a second.

22 The problem we're having at this point is if

---

1 you're putting out words and he's putting out words, I'm  
2 trying to clarify them, and we're having a problem with  
3 that.

4 Let's try and get it all through him. If you  
5 want to talk with him about it before he gives his answer, I  
6 don't have any problems with that, but just so we can narrow  
7 this and do it quicker.

8 Let's get it from him.

9 MR. DARMER: I'd like to object to any statements  
10 by counsel on the record concerning Park Police procedures.

11 MR. IVEY: Okay.

12 BY MR. IVEY:

13 Q The basis of the statement that this was an  
14 attempt to quash or deal with conspiracy theories, first of  
15 all, is that a statement that you agree with?

16 A Ultimately I guess in the big picture, that's  
17 what the Department was concerned about. We were getting  
18 bad press.

19 Normally, during investigations, information is  
20 not released until an investigation is over with, and it's  
21 my understanding that the Department was overwhelmed by  
22 Freedom of Information requests and media inquiry requests

Deposition Exhibit Number 3.)

(The document referred to was

marked for identification as

Deposition Exhibit Number 4.)

(Pause.)

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Marcy Park and conduct an interview with a Japanese news

girl, which was pretty interesting. If you ever have a

1 official debriefing in regards to me being interviewed by  
 2 the detectives or the investigators.  
 3 Q Did anybody ask you what you thought had happened  
 4 out there, even informally?  
 5 A Theories and such? Oh, everyone speculates. I  
 6 mean, we're sitting around the police station all day  
 7 throwing theories.  
 8 Q What were you thoughts at that point? What did  
 9 you think had happened?  
 10 A It appeared to me to be a suicide, but I'm not a  
 11 trained investigator. I'm just a uniformed patrol officer.  
 12 (Pause.)  
 13 Q You mentioned the reports or newspaper articles  
 14 or something that you had seen.  
 15 What articles did you see?  
 16 A What articles did I see?  
 17 Q That mentioned the names.  
 18 A That I was directly involved in?  
 19 Q Did you say that you read --  
 20 A Gosh, I read the Post article, the Washington  
 21 Post, the New York Post, fine paper that it is, and gosh.  
 22 MR. STINSON: Are you asking what articles he's

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1 read about the incident in general or specific articles that  
 2 he was mentioned in?  
 3 MR. IVEY: That he saw in general.  
 4 THE WITNESS: The large article in the Post, I  
 5 believe it was August of last year, and then I think the  
 6 back to back articles in the New York Post, January of this  
 7 year.  
 8 BY MR. IVEY:  
 9 Q At what point did you find out that the person  
 10 that had killed himself was an aide in the White House?  
 11 A The next morning when I went into work about 5:00  
 12 o'clock in the morning, listening to the morning news.  
 13 Q Did you look through some of these articles?  
 14 A I was curious about it. You mean the actual  
 15 newspaper articles about right after the death? No. It  
 16 didn't strike me as being really important at the time.  
 17 Q At what point did these folks call you, the New  
 18 York Post?  
 19 A That was early January of this year.  
 20 MR. IVEY: Would you mark these for me?  
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 22 marked for identification as



1 about the investigation as it progressed thus far.

2 When the investigation was closed officially on  
3 our end, the departmental end, that's when they started  
4 allowing persons involved with it to go and speak with and  
5 answer media inquiries. That's where I was kind of caught  
6 up in it.

7 Q When you say, you said that there was concern or  
8 whatever, were there specific superiors you had who sort of  
9 conveyed that to you?

10 A No direct superiors that I had were involved in  
11 the investigation or even at the scene of the incident.  
12 Those persons in our investigations division who were, I  
13 understand, concerned about the media, whatever.

14 Q Like who?

15 A I don't know any specific names. I know that the  
16 entire, our criminal investigation's branch was just --  
17 well, I guess not happy with some of the things that were  
18 being printed about it.

19 Q At the point when you started talking to the  
20 media, or immediately before, did any of your supervisors,  
21 other than telling you to talk with them, say anything else  
22 to you?

1 A How so?

2 Q Did they tell you like you should say this or you  
3 should say that?

4 A Absolutely not.

5 Q Did they talk to you about what you were going to  
6 say?

7 A What I was going to say to the media? No.

8 Q Had they ever talked with you --

9 A I advised my superiors and the Office of the  
10 Chief that I'd been receiving these phone calls at the  
11 station and at home from different media organizations, news  
12 organizations, and I referred every one of the calls to the  
13 Chief's office.

14 That's basically it. I would refer these calls  
15 and then contact the Chief's office on my own and say, such  
16 and such called up asking me for a quote or an interview. I  
17 guess prepare yourself for it when the call comes through  
18 from them.

19 Q About how many calls would you think you got  
20 during this period?

21 A Fifteen to 20.

22 Q Had you spoken with Major Hine before Major Hine

1 told you to talk with the media?  
2 A I talked to Major Hine a couple of times to let  
3 him know I guess that some tabloid magazines had called up,  
4 and I referred them to his office and I believe I did a  
5 follow up by contacting him and letting him know.  
6 Q Major Hine is?  
7 A He's the media relations officer official.  
8 Q And it was around January?  
9 A This? No. August, when did that Washington Post  
10 article come out?  
11 (Discussion off the record.)  
12 BY MR. IVEY:  
13 Q August of '93 or so.  
14 A August of '93.  
15 Q Had Major Hine spoken to you ever about what had  
16 happened or what you'd seen at the scene or anything like  
17 that?  
18 A No.  
19 Q Do you know if Major Hine reviewed any of the  
20 reports or anything like that?  
21 A I have no knowledge about that.  
22 Q So all you were told, and if this isn't true,

---

1 clarify for me, but as far as you know, or as far as you  
2 recall, your supervisors told you to talk with the media but  
3 no direction as to what to say or anything like that?  
4 A Yes, basically. That's about right.  
5 Q Basically?  
6 A There was no coaching on anyone's part. They  
7 would say you'll be receiving a call from this person, or  
8 come down to headquarters and be interviewed by this  
9 organization, and there was no coaching on anyone's part.  
10 They just gave me a time and a date, or a place to respond  
11 to and go from there.  
12 Q Were they ever present when you did these  
13 interviews?  
14 A No.  
15 Major Hine, a Japanese television show, he was  
16 there for awhile. They completed their interview with him,  
17 and then we were left alone, myself and the Japanese news  
18 people.  
19 Q Did they ever ask you, after the fact, after the  
20 interviews, what they'd asked you?  
21 A No.  
22 Q Did they ever talk with you about the articles

1 that were published later?

2 A No, not that I can recall.

3 Q So when this article we talked about, I think  
4 it's here, number three, which is the January 27th article,  
5 came out discussing doubts raised about Foster's suicide,  
6 did any of your superiors talk to you about that, or ask you  
7 any questions about it?

8 A Before or after the article?

9 Q After the article came out?

10 A May I?

11 (Handing document to witness.)

12 THE WITNESS: Well, everyone gave me a hard time  
13 because of my great quote here, it was really neat, they  
14 thought that was pretty funny.

15 BY MR. IVEY:

16 Q Was anybody upset with you about that quote?

17 A Not that I know of, no, and I'm sure if somebody  
18 was, I would have heard about it.

19 Q It doesn't exactly -- I mean, it sort of used  
20 your quote to feed the conspiracy theory.

21 A Exactly.

22 Q But --

1 MR. DARMER: I'll object just to the form of the  
2 question.

3 BY MR. IVEY:

4 Q But Hine never spoke to you?

5 A No.

6 Q And the February 3rd one, it was a perfect place  
7 to commit suicide, it was very peaceful there in the woods.

8 A Yes, that's the quote out of the Washington Post.  
9 The context of that was, can you describe the area to me,  
10 and I went into some detail about how it's a secluded area,  
11 the people who live around that area are very fortunate  
12 because they have a place they can go to. It's very  
13 relaxing, it's very quiet, even with the traffic and the  
14 planes going over. It's a very comfortable place to be  
15 around.

16 Again, the context was that the person wanted to  
17 be alone and I believe, is that part of my quote? It's an  
18 isolated area if a person wants to be alone, you know.

19 (Handing document to witness.)

20 BY MR. IVEY:

21 Q It's the last paragraph.

22 A It's a perfect place to commit suicide, which may

1 or may not be true. It's a perfect place, a peaceful place  
 2 there in the woods. Again, the context was what are my  
 3 feelings about the area, and I said, it's a very secluded  
 4 area, it's very peaceful. If a person wanted to go there  
 5 and sit for a long time and just think, that was my emphasis  
 6 on the question I was asked.

7 Q And, again, no comment from Major Hine?

8 A Not that I heard.

9 Q Had you seen the special report on the Vince  
 10 Foster investigation?

11 A I briefly looked at it today.

12 (Discussion off the record.)

13 THE WITNESS: The pages that pertain to me, yes.

14 BY MR. IVEY:

15 Q Was there anything you saw in there about you  
 16 that you disagreed with?

17 A Not that I can recall. If I could review it over  
 18 again --.

19 (Handing document to witness.)

20 (Pause.)

21 MR. DARMER: Could you let the record reflect  
 22 that the witness is reviewing a document that has been

1 handed to him by his counsel, and is conferring with his  
 2 counsel?

3 THE WITNESS: The top paragraph on page 33,  
 4 shortly thereafter I had already left the scene.

5 MR. STINSON: The paragraph beginning "shortly  
 6 thereafter ..."

7 THE WITNESS: On down.

8 MR. STINSON: From there on out, he can't tell  
 9 you the accuracy of what may or may not have happened.

10 THE WITNESS: Thirty-three.

11 MR. IVEY: The first paragraph.

12 THE WITNESS: As far as the polaroid and such,  
 13 I'd already left the scene.

14 BY MR. IVEY:

15 Q But the points where it specifically refers to  
 16 you?

17 A Everything appears to be, yes.

18 Q As far as procedures for talking with the media  
 19 or anything like that, are there procedures that you're  
 20 aware of?

21 A We have policies and guidelines all set up for  
 22 that. The important ones are if it's an inquiry at the

1 scene of an incident, a field commander or his designee,  
2 normally a sergeant would handle all the media inquiries and  
3 arrange for a press release.

4 In situations such as this or any long term  
5 investigation, media inquiries should go directly to the  
6 Chief's office and come from Major Hine with his  
7 authorization.

8 Q Okay.

9 Did you talk to anyone or review any notes or  
10 anything like that in preparation for this deposition?

11 A Myself and my counsel, we talked, and I reviewed  
12 the release from the physical investigation.

13 Q Have you talked to anyone from Park Police about  
14 it other than just about scheduling and stuff? Anything  
15 else in the conversation than just about scheduling?

16 A We talked about after the conclusion of the  
17 investigation, different people's roles in it, and as far as  
18 going before the Fiske investigators, those involved in it,  
19 we were sort of talking about how long we were there and how  
20 many times you may have gone down. Just idle conversation,  
21 nothing specific, no specifics.

22 Q Did you talk about any of the details of the

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1 investigation at all?

2 A I don't have any details of the investigation, so  
3 there's nothing for me to talk about.

4 Q Other than what you saw?

5 A That's it.

6 Q Have you been contacted by anyone from the  
7 Department of Justice at all in this?

8 MR. STINSON: You do know that he appeared before  
9 the Fiske Commission.

10 BY MR. IVEY:

11 Q Anybody else, the FBI?

12 A The FBI were the interviewers.

13 Q They were the interviewers for Fiske?

14 A Yes.

15 Q Any others outside of that context?

16 A No.

17 (Discussion off the record.)

18 THE WITNESS: No. I guess the hour and a half,  
19 two hours we spent with the special prosecutors.

20 MR. STINSON: Four.

21 THE WITNESS: And that was the only contact we've  
22 had.

1 BY MR. IVEY:

2 Q Anybody else from the Federal Government contact  
3 you?

4 A No.

5 Q The White House or anything?

6 A No. What are they going to talk to me about?  
7 No.

8 Q As far as documents, other than the special  
9 counsel's three pages from the report that you reviewed, did  
10 you take any notes or anything like that?

11 A No.

12 Q Reports, did you review anything before coming?

13 A No.

14 Q Anything you'd like to add to what you've said,  
15 or change any statements that you've made so far?

16 MR. STINSON: There are some points I'd like to  
17 clarify but maybe we can see if you have any questions.

18 MR. DARMER: You'd like to ask some questions of  
19 the witness?

20 MR. STINSON: Yes.

21 MR. IVEY: I guess I would ask at this point to  
22 not discuss your deposition after with anyone other than

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1 counsel.

2 THE WITNESS: Can I ask? I seem to be the only  
3 one right now from my department that knows anything about  
4 this. Are other members of the department going to be  
5 brought in and questioned at a deposition?

6 MR. DARMER: I think that's confidential.

7 THE WITNESS: Not to -- basically one day or two  
8 day's notice getting down here was a bit of a panic for  
9 everyone. I just wanted to know in the future. I mean, my  
10 Chief's office didn't even know anything about this, and I  
11 had to check with him yesterday.

12 In the future, if anything happens, if you could  
13 contact Phil in the Chief's office and let him know in the  
14 future, if I'm needed in the future. That way, Phil will  
15 contact me and the Chief's office will know not to schedule  
16 me for anything.

17 I'd appreciate it.

18 MR. IVEY: I don't have any other questions.

19 MR. DARMER: Okay.

20 I think it might make sense if I ask questions,  
21 and then you can ask follow up.

22 EXAMINATION

1 BY MR. DARMER:

2 Q Officer, in connection with your appearance  
3 before the special prosecutor, you said you had some  
4 conversations with your counsel.

5 Is that correct?

6 A Phil, yes.

7 Q Did you review documents before that appearance?

8 A No.

9 Q Did you have any conversations whatsoever with  
10 individuals within the Park Police before your appearance?

11 A When I went before the agents to be interviewed  
12 with the special counsel, I was contacted.

13 When was that, on Wednesday?

14 (Discussion off the record.)

15 THE WITNESS: As I said, I was told by the  
16 Captain, Captain Hume in charge of our criminal  
17 investigations division, and he said I had to appear that  
18 day and that was like the only contact I had.

19 BY MR. DARMER:

20 Q Did you ever get a letter or telephone call  
21 requesting you to appear?

22 A No.

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1 (Discussion off the record.)

2 THE WITNESS: I was contacted, I was in training  
3 that particular week. And I was approached by Captain Hume  
4 about 7:00 o'clock in the morning and told that the special  
5 counsel agents would like to interview me about 8:30.

6 I contacted Phil. There was no formal letter or  
7 documentation. It was just basically word of mouth.

8 BY MR. DARMER:

9 Q What day are you talking about?

10 A My gosh, when was that? That was back the last  
11 week in April, Wednesday or something. I can look it up for  
12 you.

13 Q Some time in April?

14 A Like the second to the last week in April. One  
15 of the agents had car trouble so we were able to postpone it  
16 until the next day, which would have been like Wednesday or  
17 such.

18 Q When you refer to agents, you're referring to FBI  
19 agents?

20 A Yes. Two FBI agents conducted the interview.

21 Q Did they come to a location with you?

22 A We drove over to their office off of Tenth

1 Street, I believe.

2 Q I don't understand what it had to do with an  
3 agent's car breaking down.

4 A Well, we were scheduled for one day, and I  
5 couldn't get a hold of Phil in time. And luckily, this  
6 agent's car broke down, so we were able to reschedule it to  
7 the next day.

8 Q But you said Major Hume contacted you?

9 A Captain Hume.

10 Q Did you inform Captain Hume that you were going  
11 to contact your counsel?

12 A Yes.

13 I told him in passing.

14 Q Did your counsel attend the questioning with the  
15 FBI?

16 A Yes.

17 Q When did you retain your counsel?

18 A We discussed this some time ago.

19 Q Do you know when you retained your counsel?

20 MR. STINSON: I'm not sure of the relevance of  
21 that.

22 (Discussion off the record.)

1 BY MR. DARMER:

2 Q If you don't know the answer, you should say so.

3 MR. DARMER: If you have an objection, you should  
4 state it for the record.

5 MR. STINSON: I have an objection.

6 BY MR. DARMER:

7 Q You can answer.

8 A I don't know the exact date.

9 Q Do you remember generally when?

10 A Some time maybe September or October of last  
11 year, some time in '93.

12 (Discussion off the record.)

13 MR. DARMER: I'm going to object to colloquy like  
14 this. If you don't have an answer to the question, just say  
15 so. If you want to speak to your counsel during the  
16 deposition, you should ask to do so.

17 THE WITNESS: I don't have a specific answer to  
18 the question.

19 BY MR. DARMER:

20 Q I'd like to ask you some questions about the  
21 media contacts you were discussing in response to Mr. Ivey's  
22 questions.



1 Who did you say is the Park Police's public  
2 spokesperson?

3 A That's Major Hine.

4 Q You received direct requests from Major Hine when  
5 you were to respond to the media. Is that correct?

6 A Requests. I would say in one case I was ordered  
7 to take part in an interview.

8 Q Those requests wouldn't come through your  
9 superior officer?

10 A No. My superior would be a sergeant, and the  
11 Major has more authority over the dealings of the department  
12 than a sergeant.

13 Q Have you ever received a request to respond to  
14 the media in cases other than this one?

15 A No.

16 Q Do you know of any other cases where an officer  
17 was requested to respond to the media directly?

18 A Yes, I do know of some cases for different  
19 incidents that have occurred that the department's either  
20 been involved in or that investigations have occurred.

21 Q Do you know if they were contacted directly by  
22 the office?

1 A Again, it would be through the Chief's office.

2 Q Did you respond to any media inquiries before the  
3 Park Police had completed its investigation?

4 A No, I did not.

5 Q Did you receive any kind of written material or  
6 memoranda before you responded to any of the media requests,  
7 internal Park Police memoranda relating to this  
8 investigation?

9 A Like you are hereby authorized to?

10 Q Or anything about the investigation?

11 A No.

12 Q A copy of the report that was filed?

13 A No.

14 Q Did you have an opportunity to review or have you  
15 ever reviewed the official report of the investigation?

16 A I was able, at one point within the last, say,  
17 six months, to review the report that Officer Ferstal had  
18 written which basically I think was two paragraphs and  
19 that's all.

20 As far as the case file, I don't have access to  
21 it, so I haven't reviewed it.

22 Q Did you agree with everything in Officer

1 Ferstal's report?

2 A Basically it said that he responded and relieved  
3 me and a dead body was found in the park. Our criminal  
4 investigations division investigated that, and I agree with  
5 that.

6 Q Is that all it said?

7 A Basically, yes. If you get a chance to review  
8 the report. I can take a look at it again.

9 Q After you responded to a media contact or  
10 request, would you file some kind of report about it?

11 A No.

12 Q Officer, when you first arrived in the parking  
13 lot at Fort Marcy, did you notice how many cars there were  
14 in the parking lot?

15 A Well, there was the fire engine, which was  
16 parked, not in a legal space, that was taking up a good  
17 portion of the parking lot. The rescue squad, I believe,  
18 was directly behind the fire engine. There were perhaps two  
19 to three cars at the far end of the parking lot, and then  
20 there was a single car, a Honda, parked closer to the  
21 parkway entrance, perhaps pedestrian vehicles, maybe three  
22 to four, and then of course the fire engine and my car and

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1 the rescue squad.

2 Q I got lost. How many cars total?

3 A Well, let's see, if we're going to count the fire  
4 engine and my car, the rescue squad, let's say six, perhaps  
5 seven.

6 Q And of those, two of them were official vehicles?

7 A Yes, the fire engine would have been one, the  
8 rescue squad would have been one, and my car would have been  
9 the third, and then this other, designating them as civilian  
10 vehicles.

11 Q Do you remember the colors of those civilian  
12 vehicles?

13 A Oh, geez. Two of the cars were parked on the  
14 other side of the fire engine and my view was obstructed  
15 because of the fire engine, and just the Honda, which was  
16 parked closest to me, was a dark colored four-door.

17 Q Officer, when you first got the call over the  
18 radio concerning the incident in Fort Marcy Park, were you  
19 aware that Officer Ferstal had been contacted before that  
20 time?

21 A No. I don't recall that.

22 Q When were you first aware that Officer Ferstal

1 was to be the beat officer in this matter?

2 A During roll call at 2:00 o'clock that afternoon.

3 Q So as far as you knew, when you received the  
4 call, you were the first officer?

5 A Let me explain.

6 The call went out to Officer Ferstal. He's the  
7 beat man, he's the designee. And for whatever reason,  
8 perhaps he gave a location that was somewhat further away  
9 and he wasn't able to quickly respond to the incident.  
10 That's why I took the initiative, contacted communications  
11 and asked permission from my supervisor to respond.  
12 The incident wasn't handed to me. It was still  
13 Officer Ferstal's to investigate but again, he was out of  
14 the area, and it would have taken him some time to get  
15 there.

16 That's why again I took some initiative and  
17 contacted our communications and advised them I was a short  
18 distance away, I'd like permission to respond.

19 Q Did you respond before you had heard back from  
20 your supervising officer?

21 A I think I was already on the parkway. I guess I  
22 was en route, yes.

1 Q Were you in constant radio contact as you were en  
2 route to the park?

3 A Yes and no.

4 At that particular time, if you have a chance to  
5 review the tape, there was an emergency situation going on  
6 concerning a stolen vehicle, I believe, so the time of the  
7 original transmission to Officer Ferstal and my time to get  
8 authorization to respond may have been two or three minutes  
9 later.

10 But I had not responded to the scene yet. If you  
11 get a chance to review the radio tapes, you'll have me going  
12 out to the scene, and there'll be a time standard on that.

13 Q You say you encountered other law enforcement  
14 personnel when you arrived or fire department workers when  
15 you arrived at the park.

16 Is that correct?

17 A Yes.

18 Q Were you familiar with the terrain at Fort Marcy?

19 A Yes and no. My extent of patrolling the area  
20 would be getting out of the car and seeing vehicles there  
21 and checking the area to make persons aware that there's a  
22 police presence going on. We have high school kids go there

1 drinking sometimes and we're present as a deterrent factor.

2 Let me say, I wasn't familiar with the reported  
3 second cannon. Until I'd located it that day, I'd never  
4 gone that far into the park area.

5 Q You were carrying your walkie talkie radio with  
6 you?

7 A Yes.

8 Q When you first arrived at the park, you said you  
9 then divided up?

10 A Yes and no.

11 Originally, when I met the rescue personnel, I  
12 asked them again, have you checked the area, have you  
13 located the body. They said, no.

14 We left the parking area into the first grove  
15 which contains picnic benches and park benches, the first  
16 cannon and some signs.

17 We went further up in the park area, at one  
18 point, and they went to the left a short distance, and I  
19 went to the right and found this hidden grove.

20 Q Were you out of visual contact at that point?

21 A Yes, we were.

22 Q Do you know about how far away you were?

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1 A In a straight line, sir, I would say maybe 60, 70  
2 feet.

3 Q Were you keeping in vocal contact? Were you  
4 shouting back and forth?

5 A No, I didn't shout until I found the body, and  
6 then I said "over here, it's over here."

7 Q But you weren't able to communicate with them?

8 A No. We don't have the same frequency on the  
9 radio.

10 Q When you first saw the body, how far away were  
11 you from it?

12 A I keyed on the cannon first, when I cleared the  
13 brush, the trees, the leaves, whatever you want to say, and  
14 I sort of went to the cannon, figuring I'd found the second  
15 cannon. Perhaps I was 30 to 40 feet away from the cannon  
16 when I saw the top of the head.

17 Q How much time did you say had elapsed from the  
18 time you left the firefighters and ran?

19 A Oh, gosh, 15, 20 seconds maybe until I took my  
20 position at the body and then I called out.

21 Q Did you immediately use your radio when you  
22 identified the body?

1       A     Perhaps not immediately. Maybe a lag time of a  
2 few seconds, but I said I've located the DB, something along  
3 that line. I gave a location that it was at the far end of  
4 the park through some trees or through some brush, and then  
5 I switched to the other side of the body, and I took a  
6 position there.

7       Q     You said switched to the other side of the body.  
8             Could you describe what your movement was?

9       A     Basically the body's on an incline, and when I  
10 originally approached the body --

11      Q     Would it be helpful for you to draw this?

12      A     If you want, sure.

13             (Witness draws on paper.)

14             BY MR. DARMER:

15      Q     Just as best you can, to the extent it'll help  
16 you describe, for the record, where you were.

17             MR. STINSON: The FBI has the real photographs.  
18 Have they provided those to you? It might help if you had  
19 them. That's what we used.

20             MR. DARMER: Whether we have them or not, they're  
21 not here.

22             BY MR. DARMER:

1       Q     Officer, did you look at aerial photographs  
2 during your testimony before the --

3       A     That's the only photograph they showed me, sure.

4             This is not to scale. Believe me, I'm not  
5 artist. I came through the clearing or into the hidden  
6 grove. I took a position on the body's left hand side, and  
7 sort of made a cursory inspection of the body.

8       Q     How many feet were you away from the body?

9       A     I would say within six feet. Again, just a  
10 cursory inspection to determine it was indeed human instead  
11 of a mannequin which originally flashed through my mind.  
12 When I saw the top of the head, I thought maybe it was a  
13 mannequin, some sort of a prank.

14             Then I went down and took a position between the  
15 cannon and the right hand side of the body.

16      Q     Again, how many feet away were you?

17             MR. STINSON: From what?

18             BY MR. DARMER:

19      Q     How many feet were you away from the body?

20      A     Five perhaps.

21      Q     Could you describe the topography?

22      A     Well, okay.

1           Let's see. If I recall correctly, the area of  
2 the cannon is fairly level. It's a earthen embankment.  
3 It's a fortification. This is I guess described as a rut, a  
4 gully, what would you say?

5       Q    Whatever you think it is.

6       A    I'm looking at him for inspiration here.

7       Q    Don't do that.

8       (Laughter.)

9       BY MR. DARMER:

10      Q    Whatever you want to call it, you call it.

11      A    A rut. Some type of I guess that's fair enough.

12      Q    Was it level?

13      A    Here where the body was lying? No, sir, it  
14 wasn't. It was at an angle. This would be sort of a wash  
15 area down here, the top of the fortification, and the body  
16 was at an incline.

17      Q    On your drawing, you'd be somewhere over here?

18      A    Yes, until I switched and I do recall, when I was  
19 on the right side of the body, there was thick undergrowth  
20 here. At one point, my right foot was on the incline and my  
21 left foot was level. The weight was on my left foot. I was  
22 sort of adjusting my weight, and I was on the incline

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1    itself, say like this. These are my feet right here.

2       Q    So you were looking down towards the body?

3       A    Yes.

4       Q    What did you see?

5       A    Basically I was concentrating on the head and the  
6 chest of the body. During my cursory search, cursory  
7 inspection, I could see that the feet and the legs, I  
8 noticed the legs, the pants were neatly pressed and creased,  
9 the shirt was starched and clean, the hands were by the  
10 side.

11      Q    When you say cursory inspection, this is a  
12 cursory visual inspection?

13      A    Visual inspection.

14      Q    Taken from one place?

15      A    From my switching of the area from the left, the  
16 majority of my cursory visual inspection was from the right  
17 hand side of the body.

18      Q    How did you determine it was a human being?

19      A    By going up and just making a visual inspection.

20      Q    Did you have an unobstructed view of the body?

21      A    Yes, I did, other than the foliage here.

22           My concentration was on the face itself and I had

1 an unobstructed view of the face.

2 Q How high was the foliage?

3 A I'd go as far as to say knee level perhaps, for  
4 me, knee level.

5 Q Did the foliage obstruct the face?

6 A Not the face, no, sir.

7 Q What kind of characteristics did you notice on  
8 the face?

9 A It was pasty to describe, white, very pale,  
10 almost a waxy appearance. The hair was neat, perhaps a  
11 little bit of, as far as the part goes, it was just a little  
12 of hair messed up on the part. The head was tilted slightly  
13 to the right, and the mouth was slightly open. The lips  
14 were parted.

15 MR. IVEY: Are you going to have this marked?

16 THE WITNESS: If I'd known that, I would have  
17 done a better job.

18 (The document referred to was  
19 marked for identification as  
20 Deposition Exhibit Number 5.)

21 BY MR. DARMER:

22 Q Was there anything unusual about the ground

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1 around the body that you noticed?

2 A It's funny you should ask that, because I even  
3 went so far, I sort of strained, I remember shifting my  
4 weight again and looking down the embankment. If I was here  
5 on the top of the embankment, I looked down to check and see  
6 if there was anything else, any items, any ground disturbed,  
7 any twigs broken, leaves disturbed, anything like that. I  
8 didn't see anything. Perhaps there may have been, I don't  
9 know. I was looking for luggage, clothing, anything at all  
10 like that.

11 Q Was there any trash or human debris?

12 A Nothing like that at all, because I made a point  
13 of visually looking for that.

14 Q The ground appeared to you to be undisturbed?

15 A Yes.

16 Q Was is still light outside around this time?

17 A Yes, it was.

18 Q Do you wear glasses or contact lenses?

19 A No.

20 Q Did you say you could see the hands from your  
21 vantage point?

22 A No, I didn't see the hands.

1 Q You could see the feet and the face but not the  
2 hands?

3 A Yes.

4 Q How long were you looking at the body before you  
5 were joined by the EMS personnel?

6 A Geez, a matter of seconds, 15, 20 seconds  
7 perhaps.

8 Q Did you look for a gun in the vicinity of the  
9 body?

10 A No, I didn't.

11 Q Did you notice anything unusual about the body or  
12 the vicinity?

13 A No, other than the fact that there was a body in  
14 the park.

15 Q Based on this scene, you determined that this was  
16 a suicide?

17 A When the EMS personnel came up and they said,  
18 there's a gun in his right hand, do you see the gun. Then  
19 I'm straining and looking for the gun. I couldn't see the  
20 gun.

21 But when they told me that, I made the  
22 assumption, which I shouldn't have, and made a broadcast and

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1 said it appeared to be an apparent suicide.

2 Q So you didn't reach that conclusion on your own?

3 A No, I did not. I didn't even know there was a  
4 gun there until the rescue personnel told me, they see a gun  
5 in his right hand.

6 Q Could you tell me again what exactly the message  
7 was you gave over your walkie talkie?

8 A I gave my beat number over there. I advised them  
9 where the location of the body was. Maybe I said confirmed  
10 on the DB when I was told by the EMS personnel that they  
11 found a gun or they see a gun advising them it appears to be  
12 an apparent suicide.

13 That may have been possibly my words, and again  
14 the tapes and transmission will have it.

15 Q You didn't necessarily agree that it was a  
16 suicide?

17 A I don't know, you know, I can't make a  
18 determination like that.

19 Q Officer, are there Park Police procedures for  
20 what happens when you're the first officer arriving on the  
21 scene of a violent incident?

22 A Yes, there are. It's to maintain the integrity



1 of the crime scene.

2 Q What exactly does that mean?

3 A Make sure nobody disturbs the crime scene or  
4 interferes with any type of procedures going on, nobody  
5 tampers with the evidence, nobody tramples through any area  
6 that's going to be secured, which is basically what I did.

7 Q Did the EMS personnel immediately go up to the  
8 body?

9 A When I called them over, and they located me with  
10 the body, yes, they did.

11 Q Were you concerned that they could be tampering  
12 or affecting the crime scene?

13 A My concern was to have them make any type of  
14 medical treatment necessary providing that medical  
15 treatment. I can't make a determination whether the  
16 person's alive or dead.

17 Q You made no such determination?

18 A I can't. I'm not medically trained.

19 Q How soon or when did you determine, make the  
20 determination for yourself that the body was dead?

21 A They advised me.

22 Q About how long after?

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1 A Maybe just a few seconds, maybe 30 seconds into  
2 their assessment of the body.

3 Q Did that occur after they touched the body?

4 A Yes, I believe so. Again, I didn't actually  
5 visually see them touch the body. My vision was blocked by  
6 their working around the body. I didn't see hands being  
7 laid on the body.

8 Q Were they speaking out loud to your or to each  
9 other as they were examining the body?

10 A At one point, I believe one of the EMS personnel  
11 looked at me directly and he said either, he's gone, or he's  
12 dead. They made some type of statement along that line,  
13 that the person had passed.

14 Q Do you remember which one it was?

15 A I'm going to say the black EMS worker because  
16 he's the one that sticks in my mind. He was the one who was  
17 closest to me during when the assessment was being  
18 conducted.

19 Q While the assessment was being conducted, what  
20 exactly were you doing?

21 A I was watching over the crime scene.

22 Q Do you recall the names of the firefighters?

1 MR. STINSON: It's been asked and answered.

2 BY MR. DARMER:

3 Q Do you know who received the radio call that you  
4 made concerning the identification of the body?

5 A I don't understand.

6 Q When you called on the walkie talkie, having  
7 located the body?

8 A Yes.

9 Q Who was the call going to?

10 A Our communications center.

11 Q Have you ever dealt with suicide cases before?

12 A Actual suicides? I did some volunteer work for a  
13 hotline service and I counseled people in times of crisis,  
14 but I've never done directly any suicides.

15 Q Never in connection with your Park Police work?

16 A No.

17 Q What about homicide cases?

18 A I've been the first responding officer to crime  
19 scenes or to scenes of death, but I've never directly  
20 investigated a homicide or any type of death investigation.

21 Q Does the Park Police have any kind of mobile  
22 crime, major crime unit or crime lab?

1 A They have an identification unit which processes  
2 evidence and records crime scenes by film videotape. They  
3 roll out to the scene and secure an area.

4 Q Was it that unit that arrived on the scene?

5 A Not while I was there.

6 Q About how long after you arrived or you located  
7 the body did you encounter other Park Police officers?

8 A I was relieved by Officer Ferstal. That was  
9 probably perhaps less than ten minutes after I arrived, I  
10 was relieved and ordered back to CIA.

11 Q Did you have any conversation with Officer  
12 Ferstal?

13 A He arrived at the scene and I basically said,  
14 boom, here you go. See ya later.

15 Q Did you discuss whether you thought it was a  
16 suicide or a homicide?

17 A I don't recall that, no, sir.

18 Q How long did it take you to get back to your car  
19 after you left the scene?

20 A I jogged back, cooled off for a few minutes, and  
21 to get back to my car from the scene, maybe two or three  
22 minutes.

1 Q Who was the officer in charge of the scene?  
 2 A At the time I was there? That would have been  
 3 Sergeant Edwards.  
 4 Q Were you present when the coroner arrived?  
 5 A No.  
 6 Q Did you observe any photographs taken of the body  
 7 while you were at the scene?  
 8 A No, sir.  
 9 Q Did you see any personnel of any kind carrying  
 10 photographic equipment?  
 11 MR. STINSON: He already answered that earlier.  
 12 Go ahead and answer again.  
 13 THE WITNESS: Sergeant Edwards, who was my  
 14 sergeant for the day, I passed him on the hill, and he was  
 15 carrying a polaroid up the hill while I was coming down.  
 16 BY MR. DARMER:  
 17 Q Did you see any other officers carrying any other  
 18 kind of?  
 19 A Not while I was there, no, sir.  
 20 Q Did you ever see polaroid pictures of the scene?  
 21 A No, sir.  
 22 Q Do you know if any pictures were ever taken?

1 A I understand that pictures were taken, polaroids  
 2 and 35 millimeters.  
 3 Q Did you ever seen an 35 millimeter pictures?  
 4 A Never did, not of the scene of the incident. The  
 5 FBI showed me the aerial shot of their investigation.  
 6 Q But were those 35 millimeter pictures?  
 7 A That we took?  
 8 Q That you saw with the FBI?  
 9 A But those were the aerial shots of the area, you  
 10 know, with the overview of the area.  
 11 Q Those weren't hand-held 35 millimeter pictures of  
 12 the area?  
 13 A No.  
 14 (Pause.)  
 15 BY MR. DARMER:  
 16 Q Were you subsequently contacted by any of the  
 17 officers connected with the investigation after you left the  
 18 scene?  
 19 A I bumped into Christine Hudakovic when I was  
 20 getting off work at 8:00 o'clock, and I think we just  
 21 engaged in conversation. I asked her if I needed to do a  
 22 supplemental report. She said it wouldn't be necessary.

1 And that was about the only contact I had.

2 Q Under Park Police procedures, are there any other  
3 kind of incident reports or reports other than what the beat  
4 man or the man responsible for the beat might submit?

5 A I don't follow you, sir.

6 Q You testified earlier that Officer Ferstal filed  
7 a report as the beat officer.

8 Are there any other situations where other  
9 officers can file a report?

10 A Any type of incident or anything that needs  
11 documentation we'll file a report for, even unfounded cases  
12 such as a lot of our parks in the D.C. area, for example,  
13 border on high crime areas, and if we get a report of the  
14 sound of gunshots and we respond to the area and we don't  
15 find any evidence of any gunshot activity, we'll document it  
16 anyway, just to prove to the citizenry that we were checking  
17 the area out.

18 Q And who makes the choice? Does the individual  
19 officer decide to file that kind of report?

20 A If an individual tries to leave an area without  
21 documenting it, then his supervisor will advise him to write  
22 a case report.

1 Does that answer your question?

2 Q Did you think about writing a case report in this  
3 situation?

4 A No, it wasn't my case.

5 Q My question is, are there situations other than  
6 when you are the beat officer, when a report or any kind of  
7 form may be filed?

8 A A supplemental might occur if I was directly  
9 involved in some type of investigation or an arrest  
10 procedure going on, taking place, a demonstration, anything  
11 that was of a critical nature.

12 Q But no one suggested you should file a  
13 supplemental report in this case?

14 MR. STINSON: That was asked and answered  
15 earlier. He said that he did ask and was told not to.

16 MR. DARMER: If you have an objection, just state  
17 it for the record.

18 THE WITNESS: I asked if I should document my  
19 involvement in the incident, and I was told it wouldn't be  
20 necessary.

21 BY MR. DARMER:

22 Q Supplemental reports usually are often filed in

1 homicide cases?

2 A I don't know the procedures as far as homicide  
3 cases.

4 (Pause.)

5 MR. DARMER: Can you give me a couple of minutes?

6 (Recess.)

7 BY MR. DARMER:

8 Q Officer, if I could ask you to look at Exhibit  
9 Five, which is the drawing that you made.

10 Could you write in -- I don't recall whether  
11 you've already told me -- the distances, the relative  
12 distances between where you were standing and the head.

13 A As far as the estimations?

14 Q Whatever you estimated it to be.

15 A Let's say, when I first approached the body,  
16 little dotted lines here.

17 (Witness draws on Exhibit.)

18 THE WITNESS: My position to, say, the head, I  
19 just approximated it at six to seven feet.

20 After I left this position, I went down the  
21 embankment and arced around and came up the other side of  
22 the embankment so as not to damage anything that might be

---

1 involved in the death scene here on top of the embankment.

2 And I took the position on the right side, I  
3 guess, not to scale of course. Perhaps I was a little  
4 closer, I would say within perhaps it's fair to say within  
5 five feet.

6 (Witness draws on Exhibit.)

7 THE WITNESS: That was basically my final  
8 position until I was relieved by Officer Ferstal.

9 BY MR. DARMER:

10 Q In the distance represented by the line when you  
11 were in position, about how far away were you away -- well,  
12 how far away were you?

13 A Okay, I was in visual contact. I was in sight of  
14 the top of the head. Gosh darn, this is a guess. Maybe 14  
15 feet from me going down and coming back up in this position.

16 (Witness draws on Exhibit.)

17 THE WITNESS: And I guess 14 feet.

18 BY MR. DARMER:

19 Q As I understand your drawing, the body was on an  
20 incline. You described it as an embankment?

21 A An embankment, yes.

22 Q So you were looking down at the body?

1 A Exactly, yes, sir.

2 Q Could you give me some estimation as to how far  
3 from the top of the embankment the head of the body was when  
4 you first saw it?

5 A From the top of the embankment? Well, I'll tell  
6 you, when I was approaching the cannon, originally when I  
7 came into the grove area, I could see the top of the head  
8 over the embankment. So at some point, say, this would be  
9 the top of the embankment, I could see the top of the head  
10 and see the hair, so as I was approaching, the closer  
11 distance I got into it, the more of the head I could see  
12 having me go towards it.

13 Q This line represents the horizon as you were  
14 running towards it?

15 A Exactly right.

16 And the cannon would have been over here some  
17 distance. That's a pretty bad cannon.

18 (Witness draws on Exhibit.)

19 THE WITNESS: But as I approached, I could see  
20 the top of the head. As far as how much, six inches, eight  
21 inches, perhaps.

22 BY MR. DARMER:

---

1 Q When you got to your position, which you remained  
2 at until Officer Ferstal arrived, you said you looked down  
3 over the body?

4 A Yes.

5 Q I think you testified that you saw some blood?

6 A Yes.

7 Q Could you tell me specifically what blood you  
8 saw?

9 A I'm not going to be able to draw a face.

10 Q Just describe it.

11 A The head was, as best I can remember, slightly  
12 tilted to the right.

13 You're going to put another Exhibit in here,  
14 aren't you?

15 (Witness draws on paper.)

16 THE WITNESS: The lips were slightly parted and I  
17 do recall flies coming in the area of the lips, perhaps even  
18 entering the mouth itself because the lips were parted.  
19 Again, I didn't tilt the head enough, but slightly resting  
20 to one side, and there was a trail of blood coming down the  
21 corner of the mouth, down to the chin.

22 BY MR. DARMER:

1 Q So when you say tilted to the right, you mean  
2 tilted to the left?

3 A Tilted to the right.

4 Q Sorry, to the victim's right.

5 A The victim's right, yes.

6 Q About how many degrees?

7 A I couldn't even estimate. Let's say it was a  
8 slight tilt.

9 I was thinking sort of a resting tilt, you know,  
10 when a person sort of like dozed off or their driving or  
11 something with their head to one side.

12 Q Hopefully they're not driving.

13 A When they're a passenger in the car.

14 MR. STINSON: Not at least within the Park Police  
15 jurisdiction.

16 BY MR. DARMER:

17 Q Did you say you could see blood on the face?

18 A Yes. The blood would have been a trail of dried  
19 blood because I remember it was flaking too. It was dark in  
20 color. The texture was flaking up, you know, kind of  
21 curling like paint on a wall sometimes. It was trailing  
22 down from the lip or the corner of the lip on down.

1 Q On the right side?

2 A On the right side, yes, in this direction to the  
3 chin.

4 Q And how wide?

5 A I wouldn't know what to judge it with.

6 Q Was it clearly visible to you?

7 A From the distance I was, yes, it was clearly  
8 visible. From standing up and that distance away, I could  
9 clearly see that, and again, I could see the flies gathering  
10 on the lips, and what I thought to be going into the mouth.

11 Q Did you see any other blood on the body?

12 A No, I don't recall any other blood.

13 Q Could you see the front of the body, as opposed  
14 to the head, from your vantage position?

15 A I could see the chest on down, and if I strained,  
16 I could see the pants on down. The foliage was such that  
17 it kind of was engulfing him, engulfing the body around the  
18 area of the arms and the shoulders so that the most foliage  
19 was say from this area on down on both sides. But on my  
20 toes, I looked down and could see his feet and see his legs,  
21 and see a fairly clear view of the chest area and the clean  
22 shirt.

1 Q Could you see a tie?

2 A You know, I don't recall a tie for some reason.  
3 That would stick in my mind, but I just don't recall. He  
4 could have had one. I was more focused from the fact that  
5 the shirt was very clean and it was very starched, very  
6 nice.

7 Q Did it shows any signs of dirt or grass stains?

8 A Not at all. Even when I did my visual scan of  
9 the body, of the legs, I could still see the clean creases,  
10 very clean, sharp creases on the pants.

11 Q Was there anything else that you noticed on the  
12 clothing of the body from your vantage point?

13 A Nothing I recall, sir, no.

14 (The document referred to was  
15 marked for identification as  
16 Deposition Exhibit Number 6.)

17 BY MR. DARMER:

18 Q Officer, after you had radioed from the location  
19 of the body that it was a suicide --

20 A Appears to be a suicide, I put over the air.

21 Q Did anyone ask you about it?

22 A The dispatcher said, I think I may have broadcast

---

1 it over somebody else at the time, so I believe he said, use  
2 radio courtesy or somewhere along that line.

3 Q What does that mean?

4 A It means monitor your radio. You may broadcast,  
5 or if there's somebody else who's trying to broadcast at the  
6 same time.

7 Q What happens?

8 A If two people broadcast at the same time, you can  
9 get a very jumbled, garbled type of conversation or  
10 transmission.

11 Q So in a sense, it means the first time you  
12 relayed the message, it didn't get through?

13 A It may have gone through but my transmission may  
14 have overlapped somebody else's, or somebody else may have  
15 overlapped mine.

16 Q Was there any conversation between you and the  
17 first EMS workers at the body about the scene?

18 A They pointed out to me that the saw a gun in his  
19 right hand and their pronouncement, and I can't remember the  
20 exact terminology they used, whether it was he's gone, some  
21 term that they used that indicated that he had passed.

22 Q Did they use the word "suicide"?



1 A I don't recall that, no, sir.

2 Q Do you know of any other officers or any other  
3 investigators of the Park Police responded to specific media  
4 requests in this case?

5 A I have no idea about that, sir. I'm under the  
6 impression that I believe Sergeant Markland may have  
7 answered some media requests and of course, Major Hine also.

8 Q But you testified that he is the public relations  
9 officer?

10 A He's the man, yes.

11 Q I'm referring to any line officers or detective  
12 personnel who were not in the public relations office?

13 A As a matter of fact, I'm glad you reminded me.  
14 This guy, Mr. Ruddy.

15 Q Are you pointing to Exhibit Three?

16 A Yes, the name Christopher Ruddy. He attempted to  
17 contact, I'm glad you reminded me, Franz Ferstal.

18 Q Who is Christopher Ruddy?

19 A He's a reporter for the New York Post. He's the  
20 one that did the articles. He attempted to contact Officer  
21 Ferstal because his name appeared on the initial report.

22 Glad you reminded me of that.

1 Q How do you know that?

2 A Franz mentioned to me that this guy, Christopher  
3 Ruddy, was trying to contact him, I think through his  
4 mother. His mother, I believe, is in the phone book or  
5 something.

6 Q Do you know if Officer Ferstal responded?

7 A I don't believe so, but you'd have to talk to him  
8 about that. I think he was rather annoyed by the fact that  
9 this guy was contacting his mother in order to contact him,  
10 the same circumstances I had where these media personnel  
11 were contacting my relatives, trying to get in touch with  
12 me.

13 Q And when your family received those contacts,  
14 what would you do?

15 A I'd say have them contact the department, or just  
16 ignore them completely.

17 Q So members of your family would contact the  
18 public?

19 A No. Members of my family were contacted, they'd  
20 say, Kevin doesn't live here, contact him at work, or  
21 contact the chief of police.

22 Q You mentioned earlier that some members of the

1 criminal investigation branch were unhappy about some of the  
2 press coverage?

3 A That was rumors and the feeling that was sort of  
4 filtering through. There was no direct conversation that I  
5 heard.

6 Q So did you have any direct conversation?

7 A No direct knowledge, no, but it was when a person  
8 hears or reads something about a group they're working or  
9 organization they're working with and it's not favorable,  
10 you take it kind of personally.

11 Q Officer, is there any special protocol or Park  
12 Police procedure for dealing with high visibility or high  
13 profile government employees?

14 A Geez, I don't know the procedure, sir. I imagine  
15 the investigators, they have that stuff down because they're  
16 the ones who primarily deal with that.

17 Q You don't know?

18 A Personally, no. I can't remember.

19 MR. STINSON: I'm not sure I understand the  
20 question.

21 Are you asking if a uniformed police officer  
22 encounters a government official, whether they have --

---

1 MR. DARMER: Whether a typical uniformed officer  
2 on the line out in the field encounters any incident that  
3 might involve a governmental employee.

4 THE WITNESS: Oh, we have set policies for if we  
5 even site a postal employee making a delivery of letters,  
6 there are specific guidelines. There are exceptions or  
7 exemptions for members of Congress when Congress is in  
8 session, diplomats. We have certain guidelines for that.

9 But as far as a normal, government employee.

10 BY MR. DARMER:

11 Q What if a governmental employee is a victim, as  
12 opposed to dealing with them in another context?

13 A I think you'd have to be more specific about the  
14 type of work they would do, if we could contact their place  
15 of employment.

16 Q Let's say that you had a call and it involved a  
17 Secretary of State or a Cabinet officer, would there be some  
18 special protocol?

19 A I would imagine there would be, yes, in a  
20 situation like that, even involving, say, a Congressman or a  
21 Senator, our first responsibility would be to document the  
22 incident and contact our immediate supervisor, and then it

1 would go up the chain of command.

2 In my case, it would be a sergeant, then a  
3 lieutenant, then captain, up the ranking, and then they  
4 would be advised of the encounter, and certain policies  
5 would be enacted.

6 Can I give you an example?

7 Q Absolutely.

8 A Without naming names, back some months ago, I  
9 arrested a high-ranking military officer. It was my  
10 responsibility to contact the MPs who are associated with  
11 him, and then, from then on, I had to contact the chief's  
12 office. There were certain inquiries made by his branch of  
13 the service and such.

14 So there are certain policies, but it depends on  
15 the individual themselves, and their scope of employment and  
16 who they're associated with.

17 Q In the example you gave, did you have to file any  
18 kind of special reports as a result of the person's status?

19 MR. STINSON: I would object as to any answer  
20 that would require the nature of the charges of that  
21 incident.

22 THE WITNESS: I wasn't going to discuss charges.

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1 In that case, the investigating branch of the  
2 military involved simply took a copy of my report and they  
3 conducted some interviews of me, but there was no formal  
4 documentation that I did for their organization.

5 Is that what you mean?

6 BY MR. DARMER:

7 Q No, for your own.

8 Was there anything outside of the ordinary you  
9 would have done in the case had it been just an ordinary  
10 citizen?

11 A Yes. My contacting of the military police and  
12 the next morning, when I was contacted by the Chief's  
13 office, and was made aware of this person's status, there  
14 were certain things that took place, I guess, certain  
15 interviews that I had to take part in after that.

16 Q It's unusual for you to be contacted directly by  
17 the Chief's office?

18 A In this instance, yes, it was, but I understand  
19 it was because again of this person's status.

20 Q Officer, when did you first retain counsel in  
21 this matter?

22 MR. STINSON: I think we've already been over it.

1 THE WITNESS: Some time in late '93. I talked to  
2 Phil about it, Mr. Stinson.

3 BY MR. DARMER:

4 Q Can you tell me what the basis for that decision  
5 was?

6 MR. STINSON: You can answer as best you can.

7 THE WITNESS: Basically, I was being -- what's  
8 the term -- deluged with media inquiries and being basically  
9 harassed at home. My family was being harassed and I simply  
10 wanted expertise, Phil's expertise as a counselor, as a  
11 lawyer, in order to sort of guide me through what I thought  
12 was a difficult situation.

13 Things were becoming, how do I say, complicated.  
14 I'm not going to say complicated, but I was unsure about  
15 there were rumors, obviously, Congressional investigation,  
16 special prosecutor, this is all new to me, and I sought his  
17 expertise.

18 Q Were you advised by anyone in the Park Service to  
19 seek counsel?

20 A Absolutely not, no.

21 Q Did you ever attempt to seek counsel from lawyers  
22 employed by the Park Police by the Interior Department?

1 A Oh, no.

2 Q And you're paying your own lawyer?

3 A Yes.

4 MR. DARMER: I don't have any further questions.

5 MR. STINSON: Almost everything I wanted to  
6 cover, you did cover but there are just a few things I want  
7 to clarify, if I could.

8 EXAMINATION

9 BY MR. STINSON:

10 Q You testified early on this afternoon that your  
11 view of the head of the body was momentarily obstructed  
12 while the paramedic person performed some sort of  
13 assessment, correct?

14 A Yes.

15 Q Prior to the obstruction, you had an opportunity  
16 to observe the position of the head?

17 A Yes, I did.

18 Q And immediately after the obstruction, you had an  
19 opportunity to view the position of the head?

20 A Yes.

21 Q Was there any change, in your opinion, in the  
22 position of the head at that point?

1 A Not that I could see.

2 Q Was there any change, at that point, in the  
3 amount of blood or the texture of blood on the face?

4 A No.

5 Q You testified that you arced around the body when  
6 you moved from one position to another.

7 Just for clarification purposes, can you explain  
8 why you moved around the body in an arcing position?

9 A That was basically to stay as clear from the body  
10 as possible in case there was some evidence or something  
11 related to the death scene that I didn't want to disturb or  
12 destroy.

13 Q You had an opportunity to view the grass and  
14 foliage around the death scene and in particular around the  
15 location of the body?

16 A Yes.

17 Q Did you notice any damage or damped down grass  
18 foliage, broken limbs, or anything like that?

19 A No.

20 Q Any signs of any struggle?

21 A Nothing.

22 Q When you left the death scene and returned to

1 your cruiser, did you have an opportunity, at that point, to  
2 observe the vehicles parked in the parking lot?

3 A Yes, I did.

4 Q Did you notice anything odd or peculiar about any  
5 of those vehicles?

6 A The vehicle I described earlier, the one I parked  
7 the closest to, the four-door Honda, was parked by itself.  
8 I walked by it and saw that it had Arkansas tags. Just out  
9 of curiosity's sake, I looked inside the window of the  
10 vehicle and saw a suit jacket was neatly folded on the  
11 passenger seat, and it seemed to match the color and the  
12 style of the pants on the body.

13 Q Did you notice anything else on the inside of  
14 that vehicle?

15 A Not that I recall right now.

16 Q Did you run a license check on that vehicle?

17 A I did not personally.

18 Q When you were observing the vehicle, were there  
19 any other police officers present?

20 A I was joined, while I was doing my sort of visual  
21 inspection of the vehicle, by, I believe, investigator,  
22 Officer Hudakovic came up.

1 Q When you left the vehicle, did Officer Hudakovic  
2 remain with the vehicle?

3 A From what I recall, yes.

4 Q Going back to the example that you gave just a  
5 few minutes ago, about a government official you had  
6 occasion to arrest recently, just to clarify, was it the  
7 person's employment status as a government employee or more  
8 specifically a military employee that caused the special  
9 attention in that case?

10 A The fact that he was a military employee, because  
11 our general orders specifically, I would say, address  
12 certain occupations, federal occupations.

13 Again, we have certain procedures for, if we  
14 arrest a postal employee making delivery of the mail, as far  
15 as taking charge of the mail, and contacting his supervisor,  
16 in this case the military officer, there's a whole litany of  
17 things for specific types of employees.

18 Q Right. The point being that had this been an  
19 employee of a different branch of government?

20 A It wouldn't have gone the same way.

21 Q The only other thing I wanted to ask you, you  
22 mentioned that members of your family had received inquiries

1 from the media.

2 Just for the counsels' information here, in case  
3 you should run across it, can you tell them who your brother  
4 is?

5 A My brother's a Park Police Officer. We work out  
6 of the same station. He has his number listed in the phone  
7 book, and I don't.

8 Q Does he also work in the same shift?

9 A No, we don't. We work opposite shifts.

10 MR. STINSON: That's it.

11 FURTHER EXAMINATION

12 BY MR. IVEY:

13 Q I just want to ask a couple of questions to  
14 clarify about these special procedures. We've covered  
15 military. You mentioned postal.

16 Do you know of any special procedures for White  
17 House employees?

18 A Let me tell you a story.

19 (Discussion off the record.)

20 THE WITNESS: A guy I used to work with, he's  
21 since moved up to New York, he arrested a White House  
22 secretary one time for not having a driver's license, which

1 is you're allowed to do in the District of Columbia, if you  
 2 don't have a driver's license, you're supposed to arrest  
 3 somebody and then they can pay the fine.

4 I guess he notified the Secret Service which, if  
 5 you read the policy, that's specifically what they want, but  
 6 if you really kind of read the policy, I think the mean  
 7 towards a criminal type of offense.

8 So basically being arrested for a driver's  
 9 license is a traffic offense where they pay a fifty dollar  
 10 fine and then they walk out the door.

11 He took it upon himself to contact the Secret  
 12 Service.

13 I know I'm rambling on about this story but there  
 14 are specific general orders. But I guess you play with a  
 15 little bit. He sort of over stretched what they really want  
 16 as far as these criminal offenses to be documented and  
 17 contacted, have the Secret Service contacted or the White  
 18 House contacted.

19 This was just a simple traffic offense where he  
 20 sort of took greater initiative than he really needed to do.

21 Are you following?

22 Q Sure. But your understanding, at that point,

1 about special procedures for the White House, what would  
 2 you?

3 A It's my understanding that any type of criminal  
 4 offense or serious matter that needs to be brought to the  
 5 attention. I guess that's sort of a catchall.

6 We have to document any cases we have with  
 7 diplomats and we document that by writing a report.  
 8 Ideally, we would do the same thing on White House staffers  
 9 if it's a serious offense, and we would make the  
 10 determination or our supervisor would make the determination  
 11 after we briefed them on the situation.

12 Q So essentially, we're talking about writing a  
 13 report?

14 (No response.)

15 Q That's a yes?

16 A Yes.

17 Q And contacting the supervisor?

18 A Exactly.

19 Q And then you would do whatever the supervisor  
 20 told you to do?

21 A Yes, ideally.

22 If I remember the general rule.

1 Q The other one who I wanted to ask you about,  
2 because I forgot to ask you about this earlier, you said  
3 your brother is also a Park Police Officer?

4 A Yes, sir.

5 Q Do you have any other relatives who work for the  
6 Federal Government?

7 A I've got two sisters who are over on Capitol Hill  
8 right now, the Department or Office of Technical Assessment.

9 MR. STINSON: I didn't hear your question.

10 MR. IVEY: Relatives working for the Federal  
11 Government.

12 MR. STINSON: I mean he has relatives that work  
13 for Congress. I don't know the relevance.

14 MR. IVEY: I guess it depends on who they work  
15 for.

16 MR. STINSON: That's an instrumentality of  
17 Congress.

18 BY MR. IVEY:

19 Q They work for OTA?

20 A OTA.

21 Q Anybody that works for the White House?

22 A No.

1 Q Anybody works for an agency that has dealings  
2 with the White House, like the Secret Service or anything  
3 like that?

4 A No.

5 Q Anybody that has liaison with the White House?

6 A No.

7 (Discussion off the record.)

8 MR. IVEY: I don't have anything else.

9 MR. DARMER: I have a couple followups.

10 FURTHER EXAMINATION

11 BY MR. DARMER:

12 Q You mentioned in your discussion, in your  
13 response to this question about policies in general orders.  
14 What are general orders?

15 A General orders are basically the guidelines we  
16 follow set, in effect, by the Chief. He signs them.  
17 There's a lot of research done on these things, what we can  
18 and can't do officially as a police officer. Everything  
19 from arrest procedures, processing, how long we can legally  
20 keep a person detained before they have to go to another  
21 facility to, again, encounter a military officer whom you've  
22 arrested and our procedures are set forth in these general



1 rules.

2 Q Does every officer get a copy of these rules?

3 A Yes.

4 Q In response to one of the questions here, you  
5 talked about, or used an example of an officer who used some  
6 interpretive discretion.

7 In applying the general orders in an ordinary  
8 situation, who makes those determinations as to how the  
9 general orders are applied?

10 A I guess it really falls back on, in this case,  
11 this particular officer, it was a judgment call, and if you  
12 read it, I guess technically it is correct that there is  
13 some leeway. A criminal offense where a person's arrested  
14 for, again this example, or a non-criminal offense where a  
15 person doesn't have a driver's license, they go through I  
16 guess the hassle of going through the whole thing of  
17 notification and contacting people that don't really need to  
18 be contacted, I guess officially, but you see where I'm  
19 going with that?

20 Q In this situation, in the Foster investigation  
21 you were involved in, who would have been responsible for  
22 determining what you would have had to do?

---

1 A Oh, gosh, the investigators, the field commander,  
2 or the lieutenant in charge of the crime scene.

3 Q Who was that?

4 A Oh, man, that's a tough one, who was there. I  
5 don't recall. I honestly don't. The thing being that if a  
6 determination had been made while I was there at the scene,  
7 if Mr. Foster would have been identified and his position  
8 was known, then some type of contact or attempt would have  
9 been made to contact the appropriate authorities.

10 Q Have you ever talked to your brother about this  
11 investigation?

12 A As far as him getting phone calls and stuff,  
13 we've discussed that.

14 Q When you saw the Arkansas license plate or tags  
15 in the parking lot, did that lead you to believe that a  
16 government employee might be involved?

17 A I was curious about it. I even thought I brought  
18 it to Chris Hudakovic's attention. I may or may not have.  
19 I was a bit foggy back there, but it caused me some  
20 curiosity.

21 Q Did you associate the automobile with the  
22 Arkansas tags with the dead body?

1 A Yes, because the jacket on the front seat of the  
2 passenger side, or the front passenger seat, as I said, it  
3 was similar to the pants.

4 Q Do you remember what it looked like?

5 A Maybe a turquoise or a dark grey, something like  
6 that.

7 Q Did you touch the car?

8 A No.

9 Q Did you open up the car?

10 A Absolutely not.

11 Q Did you see anything else besides the jacket?

12 A Not that I recall now.

13 Q Did you see a briefcase?

14 A Possibly. It doesn't stick in my mind right now.  
15 I believe our concern at the time was if indeed this was a  
16 suicide, that the department was going to be investigating,  
17 a visual inspection of the car would determine whether or  
18 not there may be a note in there, or some type of paperwork  
19 or something, you know, if there was a connection between  
20 the car and the person up the hill, maybe make that  
21 connection.

22 Q Did you discuss those matters with the detective

---

1 at the scene?

2 A I may have mentioned something to Chris  
3 Hudakovic. I can't recall that.

4 Q Do you recall whether you talked about, this is a  
5 suicide, when you were at the car talking to that officer?

6 A I can't recall right now.

7 Q Did you ever talk to anyone about what you saw in  
8 the car?

9 A I brought it to her attention. I said, I believe  
10 I said, this jacket on the front seat is similar to the one  
11 the body has -- I mean, the pants.

12 Q But you never filed any kind of supplemental  
13 report?

14 A No, I didn't, because basically everything was  
15 given orally.

16 MR. DARMER: No further questions.

17 MR. IVEY: That's it for me.

18 (Whereupon, at 4:55 p.m., Tuesday, July 12, 1994,  
19 the taking of the deposition ceased.)

20

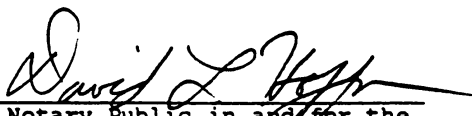
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22

CERTIFICATE OF NOTARY PUBLIC & REPORTER

115

I, David L. Hoffman, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn; that the testimony of said witness was taken in shorthand and thereafter reduced to typewriting by me or under my direction; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and, further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

  
\_\_\_\_\_  
Notary Public in and for the  
District of Columbia

My Commission Expires 6/30/95

PHILIP MATTHEW STINSON, SR.

ATTORNEY AT LAW

THE COMMONS AT VALLEY FORGE  
1220 VALLEY FORGE ROAD • SUITE 4B  
P.O. BOX 809  
VALLEY FORGE, PENNSYLVANIA  
19482-0809

November 26, 1994

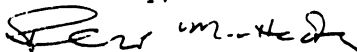
Douglas Epstein  
Committee on Banking, Housing & Urban Affairs  
United States Senate  
SD-534 Dirksen Senate Office Building  
Washington, D.C. 20510-6075

Re: Amended Errata Sheet of Officer Kevin Fornshill

Dear Mr. Epstein:

Enclosed please find an amended errata sheet from the July 12, 1994, deposition of Officer Kevin Fornshill of the United States Park Police.

Yours truly,



Philip Matthew Stinson, Sr.

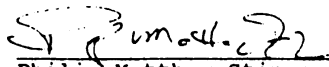
TRANSCRIPT OF HEARINGS  
BEFORE THE  
UNITED STATES SENATE  
COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

DEPOSITION OF KEVIN B. FORNSHILL  
July 12, 1994

ERRATA SHEET

| <u>Page</u> | <u>Line</u> | <u>Should read:</u>                                              |
|-------------|-------------|------------------------------------------------------------------|
| 14          | 11          | There's Park Service signs telling about the history of ...      |
| 17          | 13          | My closest position was about perhaps five feet.                 |
| 26          | 11          | You can't go across Chain Bridge ...                             |
| 31          | 22          | dispatch channel, but he's not aware of that they may have ...   |
| 48          | 17          | guess to prepare yourself for it when the call comes through ... |
| 55          | 12          | the release from the Fiske investigation.                        |
| 58          | 13          | contact Phil or the Chief's office and let him know in the ...   |
| 68          | 12          | out to the scene, and there'll be a time stamp on that.          |
| 71          | 17          | MR. STINSON: The FBI has the aerial photographs.                 |
| 98          | 5           | even cite a postal employee making a delivery of letters, ...    |
| 107         | 6           | if you really kind of read the policy, I think they mean ...     |

Respectfully submitted,

  
 Philip Matthew Stinson, Sr.  
 Attorney for Kevin B. Fornshill

Amended November 18, 1994

DONALD W. ROSS, JR., MEMBER, CHAIRMAN

PAUL E. SARBANES, MARYLAND  
CHRISTOPHER J. BROS. CONNECTICUT  
JIM SALMON, TENNESSEE  
RICHARD E. BURLEY, ALABAMA  
JOHN F. EHRH, MASSACHUSETTS  
RICHARD W. BRYAN, NEVADA  
BARBARA BOXER, CALIFORNIA  
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CAROL MOSSLEY BRAUN, KENTUCKY  
PATTY MURRAY, WASHINGTON

ALFONSO M. D'AMATO, NEW YORK  
Pete, GEORGIA, TEXAS  
CHRISTOPHER S. DOM, MISSOURI  
GORDON BLAKE, FLORIDA  
LAWREN PARELOTH, NORTH CAROLINA  
ROBERT F. BENNETT, UTAH  
WILLIAM V. ROTH, JR., DELAWARE  
PETE V. DOMENICI, NEW MEXICO

STEVEN S. HARRIS, STAFF DIRECTOR AND CHIEF COUNSEL  
HOWARD A. MERRILL, REPUBLICAN STAFF DIRECTOR

## EXHIBIT 2

### United States Senate

COMMITTEE ON BANKING, HOUSING, AND  
URBAN AFFAIRS

WASHINGTON, DC 20510-8075

July 8, 1994



Kevin Fornhill  
c/o  
Philip Matthew Stinson, Sr.  
Attorney at Law  
The Commons at Valley Forges  
1220 Valley Forge Road, Suite 45  
P.O. Box 809  
Valley Forge, Pennsylvania 19482-0809

Dear Kevin Fornhill:

On June 21, 1994, the Senate passed Resolution 229, a copy of which is enclosed, directing the Committee on Banking, Housing, and Urban Affairs to conduct hearings on the matters specified in the resolution. That resolution provides, in relevant part, that the Committee on Banking, Housing, and Urban Affairs "shall--

- (1) conduct hearings into whether improper conduct occurred regarding--
  - (A) communications between officials of the White House and the Department of the Treasury or the Resolution Trust Corporation relating to the Whitewater Development Corporation and the Madison Guaranty Savings and Loan Association;
  - (B) the Park Service Police investigation into the death of Vincent Foster; and
  - (C) the way in which White House officials handled documents in the office of Vincent Foster at the time of his death."

In preparation for the hearings, we request that you appear for a deposition on July 12, 1994 at 2:45 p.m. at 534 Dirksen Senate Office Building. Your deposition will be conducted by Special Counsel to the

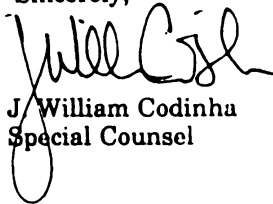
Kevin Fornshill  
Second Page  
July 8, 1994

Committee on Banking, Housing, and Urban Affairs investigating these matters, for the Majority, J. William Codinha, and for the Minority Michael Chertoff, or their designees. If you will be represented in these proceedings, please advise us of the name, address, and telephone number of your attorney. The only other persons permitted to be present for the deposition will be a stenographer.

As you know, Senate Resolution 229 provides that public hearings on this matter begin no later than July 29, 1994. Therefore, it is necessary that your deposition take place on or as close as possible to the date scheduled here. Please contact Kelly Cordes, the Committee's Chief Clerk, at (202)224-1568 to confirm the date and time of your deposition after receipt of this letter or to discuss any scheduling changes required. Ms. Cordes will attempt to contact you again the day before your deposition to confirm that you will be in attendance as scheduled.

Your cooperation in this matter is greatly appreciated.

Sincerely,



J. William Codinha  
Special Counsel

cc: Philip Matthew Stinson, Sr.

## EXHIBIT 3

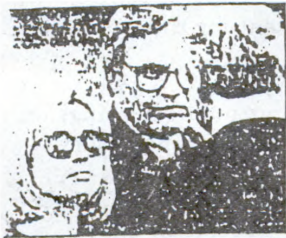
New York Post  
1/27/94 A5, A18DEPOSITION  
EXHIBIT

3

7/12/94 B4

NEW YORK POST, THURSDAY, JANUARY 27, 1994

## EXCLUSIVE-NEW YORK POST INVESTIGATION



1992 PALL: President Clinton with Vincent Foster (center) and Hillary last year in Little Rock.

DOUBTS RAISED OVER  
FOSTER'S 'SUICIDE'

■ Why was he still holding the gun?  
■ Why so little blood?

By CHRISTOPHER RUDDY

Interviews with some of the first people to see Vincent Foster's body after it was found in a Virginia park have raised new questions about the "suicide" of the White House deputy counsel.

The questions involve the position of Foster's body; the fact that the gun was still in Foster's hand and had no

blood on it; the small amount of blood on and near the body; and the swiftness with which the death was declared a suicide.

Fairfax County paramedic George Genasies, who says he was the first rescuer to see Foster's body last July 20, told The Post he found several things about the death scene "strange."

For one thing, Foster's body was laid out perfectly "as if to a coffin," Genasies said in his first public interview about the mysterious death.

"I found it peculiar. Every extremity [of his body] was straight, as if it was ready for the coffin," said Genasies, a paramedic for 12 years.

He said a 30-caliber Colt revolver was in Foster's right hand — even though experts say handguns used in suicides often are "cocked" up to 20 feet away from a body.

He said Foster's arms were resting perfectly straight alongside his body.

Genasies said he was surprised to find so little blood at the death scene of someone who appeared to have placed a 30 in his mouth and pulled the trigger.

"The face was white and pale, and only a thin trickle of blood oozed from one corner of his mouth," he said.



VINCENT FOSTER  
Neatly laid out.

"Usually a suicide by gunshot is a mess," said Genasies, who claimed he has examined a number of suicide victims who shot themselves in the mouth.

Harry Johnson, an emergency service technician who helped put Foster's body into a body bag, also said he does not remember seeing any blood.

"I can't even recall an exit wound," Ashford said, explaining that typically there would be a "mess" under the victim's head.

Para Policeman Kevin Farnhill, the first police officer at the scene, said everything, including Foster's white shirt, "was really neat," with no blood on it.

The apparent contradiction — a scarcity of blood in a death involving a gunshot wound to the head — raised the possibility that Foster may have been killed elsewhere and that his body was dumped in the park, according to homicide experts contacted by The Post.

The pathologist who conducted the autopsy said the wound had been "self-inflicted," but the autopsy results haven't been made public.

The results will be sent to special White House counsel Stanley Peltz, who will lead into Foster's death as part of his investigation.

Another key question involves the gun.

Genasies remembers

See POSTER on Page A5

## Some clues

Forensic and homicide experts look for a number of immediate telltale signs to help distinguish a suicide from a murder. While an unusual circumstance does not definitely indicate foul play, experts consider all possible evidence. Here are some things investigators might have looked for at the scene of Foster's death:

1. The body should be consistent with the person's original position when he was shot in the mouth. Because of his straight appearance, eyewitnesses assumed that Foster either sat or lay down on the incline to shoot himself. The bullet likely would have been lodged in the ground behind him. Park police said he shot the gun while standing and the bullet went back into the woods.

5. The area around the person should be examined for indications of a struggle. Police said there were no such indications.

6. The gun's position after death should be consistent with the last the person fired the gun into his mouth. The gun was still clutched in his hand, which was lying in an easy reach alongside his right leg. Typically, the gun is not in the suicide victim's hand.

3. The gun may have blood on it. Eyewitnesses who viewed the gun said it appeared clean.

2. The scene should be consistent with a wound in the mouth and an exit wound in the head. Blood typically is splattered and pools around the body. Eyewitnesses noted that little blood came from the mouth, and there were no signs of splattering on his face or shirt, or pools of blood around the body.

## Key questions leave experts wondering

By CHRISTOPHER RUDDY

Expert detectives can often distinguish a suicide from a murder by asking — and finding the answers — to a number of key questions.

Here are their unanswered questions about the death of White House lawyer Vince Foster.

■ Was the suicide victim familiar with the weapon?

Police say the 38-caliber revolver found in Foster's hand was the gun used, based on powder residue on Foster's hand.

But the Foster family has not positively identified the gun as his.

■ Is the victim's time accounted

**A note found in Foster's briefcase had been torn in 27 pieces. It detailed Foster's anguish over a number of issues, but made no mention of suicide.**

for on the day of his death?

The autopsy report put the time of death between 6 and 7 p.m. Foster left the White House at 1 p.m., leaving up to four hours unaccounted for.

■ Did anyone hear the gunshot?

Police say no, but they apparently did not question all homeowners and workers in and after

the park.

■ Were there nearby witnesses?

Police say no one besides Foster apparently was in the park at the time of his death.

But The Post has learned that a blue Mercedes-Benz was parked, unattended, on a short roadway leading to the park when police and ambulances arrived just after

6 p.m. It was still there a half-hour later.

Police say the Mercedes was simply disabled. A spokesman couldn't explain why that information was withheld from the press at the time of Foster's death.

■ Was a suicide note found?

No suicide note was found on his body, according to officials.

The White House gave police a note — torn in 27 pieces — that had been found in Foster's briefcase. They said it had been overlooked during an earlier police search.

The note detailed Foster's anguish over a number of issues, but made no mention of suicide.



NEW YORK POST. THURSDAY, JANUARY 27, 1964

## Doubts over Foster's 'suicide'

A prominent forensic pathologist, who testified last week, said he did not recall seeing the gun, that would lead to thinking that possible someone put the gun in his hands.

Also questioning the position of the gun was Vernon Gehrhardt, a former city detective who wrote a national magazine article in 1968 about the investigation textbook.

"Under ordinary circumstances, after the firing of a gun, the gun would be in the person," Gehrhardt said, so knowing that there are "rare" instances when the gun is found in the hands of the shooter.

Exposito said a reticent witness told him the gun was thrown by a person committing suicide.

Exposito also named that Foster was sitting or lying in the park when the fatal shot was fired.

"It's hard to explain how he got the muzzle of the barrel in at a right angle to his arm — fired it, and [he] is found still in his hand at the time," he said.

Forensic experts and homicide detectives said the key to answering many questions could be the answer — is it — if the gun ever fired it.

The White House did not respond to several requests for comment.

**SUNDAY:** Mostly cloudy, chance of snow or rain late. High near 18.

### MARINE FORECAST

**THE**

100

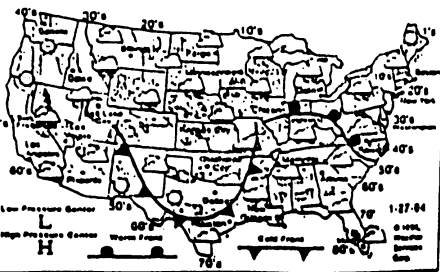


EXHIBIT 4

New York Post  
2/3/94 p. 2

## Experts: Park cops bungled the probe

By CHRISTOPHER RUDDY

U.S. Park Police failed to follow standard investigative procedures in probing the circumstances surrounding the death of deputy White House counsel Vincent Foster, law-enforcement experts told *The Post*.

The Park Police, by quickly classifying Foster's death a suicide, violated a cardinal investigative rule: Don't jump to conclusions, the experts said.

Making a snap judgment that Foster's death was a suicide was a violation of textbook procedure — which laid the groundwork for further violations.

"In the Vince Foster case nothing was done right, as far as the public record shows," said Gene Wheaton, an investigator for 22 years with the Army's Criminal Investigation Division.

Experts stress that any death should be considered a possible homicide until it is proven otherwise by forensic and autopsy reports and other evidence.

The Park Police conducted only a cursory search in Fort Marcy Park in Arlington, Va. — apparently because they believed Foster's July 20 death was a suicide.

Witnesses said police did not follow textbook procedure and do a "hand and

knee" search of the area around his body, or use metal detectors to search for the bullet that was fired into Foster's mouth and exited through the back of his head.

They also didn't dust Foster's car for fingerprints, or canvass the neighborhood around the park, or interview regular park visitors.

And they were apparently unaware that there was a rear park entrance — closer to the death scene than the main entrance.

Their sloppy on-site investigation was duplicated off-site when they delayed securing Foster's office for at least 12 hours — if not longer.

And they also didn't run ballistic tests on the gun found in Foster's hand — tests that experts say would show whether the 30-year-old weapon was operable.

Park Police officials have defended the probe that followed the discovery.

"It seemed definitely a suicide," said one of the first law enforcement officials to arrive at the scene of Foster's body.

"It was a perfect place to commit suicide. It's very peaceful there in the woods," another investigator, Park Police Officer Kevin Farnhill, told *The Post*.

DEPOSITION  
EXHIBIT

4

7/12/94 DLT

**EXHIBIT 5**

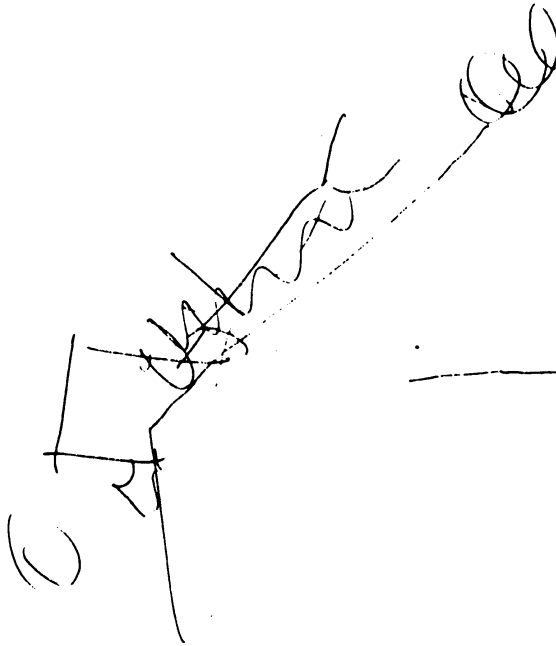
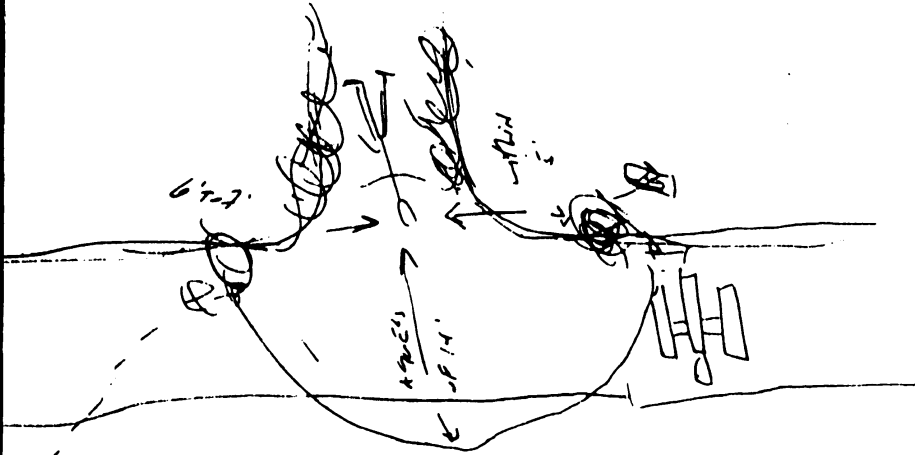
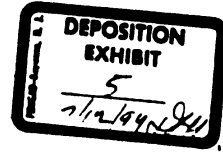
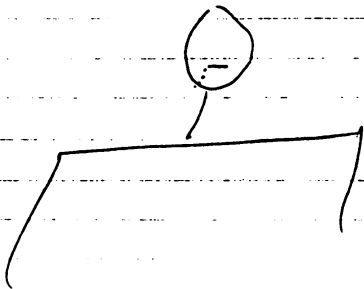
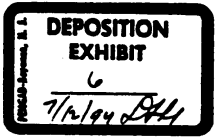


EXHIBIT 6



**DEPOSITION OF GEORGE O. GONZALEZ, JR.  
IN RE: S. RES. 229**

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**WEDNESDAY, JULY 20, 1994**

**U.S. SENATE,  
COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS,  
Washington, DC.**

Deposition of GEORGE O. GONZALEZ, JR., called for examination pursuant to notice of deposition, at 2:45 p.m. in the Dirksen Senate Office Building, Room G-59, before DAVID L. HOFFMAN, a Notary Public within and for the District of Columbia, when were present:

**GLENN F. IVEY, Esq.**  
Majority Counsel  
**ROMAN E. DARMER, III, Esq.**  
**JULIE FALLON, Esq.**  
**PAUL GOLDENBERG, Esq.**  
Minority Counsel  
Committee on Banking, Housing, and Urban Affairs  
U.S. Senate  
On behalf of the Committee.

**DAVID P. BOBZIEN, Esq.**  
County Attorney  
Fairfax County, Virginia  
12000 Government Center Parkway  
Suite 549  
Fairfax, Virginia 22035-0064  
On behalf of Deponent.

## CONTENTS

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**WITNESS****EXAMINATION****George O. Gonzalez, Jr.**

by Mr. Ivey .....

by Mr. Darmer .....

3

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## EXHIBITS

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**George O. Gonzalez, Jr.****DEPOSITION NUMBER****IDENTIFIED**

Exhibit 1 (S. RES. 229) ..... 3, 138

Exhibit 2 ..... 14, 1045

Exhibit 3 ..... 20, 1046

Exhibit 4 ..... 29, 1050

Exhibit 5 ..... 31, 1054

Exhibit 6 ..... 39, 1071

Exhibit 7 ..... 53, 1073

Exhibits 8 through 15 ..... 83, 1075

Exhibit 16 ..... 105, 1113

Exhibit 17 ..... 108, 1118

## P R O C E E D I N G S

(2:45 p.m.)

Whereupon,

GEORGE O. GONZALEZ, JR.

was called as a witness herein, and having been first duly sworn, was examined and testified as follows:

## EXAMINATION

BY MR. IVEY:

Q Good afternoon, sir. My name is Glen Ivey. I'm counsel for the Senate Banking Committee. I want to thank you for coming down.

This is a deposition that we're doing involving the investigation of the death of Vincent W. Foster. That investigation is being done pursuant to this Senate Resolution S. Res. 229.

(The document referred to was marked for identification as Deposition Exhibit Number 1.)

(Handing document to witness.)

BY MR. IVEY:

Q I'll show it to you here on page two where it talks about the Committee covering the Park Service

4

investigation into the death of White House Deputy Council, Vincent W. Foster, okay?

I'm going to ask you a series of questions about that. You've been put under oath and the answers you give at the time should be honest and accurate, obviously, to the best of your recollection.

If you are speculating or guessing at all, let us know. I would ask you to not guess or speculate at all without telling us that you're uncertain about the answer.

If you have any trouble understanding the questions that I ask you, just let me know and I'll rephrase them or explain them to you, anything to help you answer the question.

If you want to talk to your counsel at any time, that's fine. If you want to take a break, that's fine as well. If you want to supplement an answer you've given earlier, you can always go back and say, I'd like to add an additional thing to my previous answer.

All that is fine.

As far as objections at the deposition, there should really only be two.

One would be to the scope of the question or the

1 answer that the question calls for. The scope is governed  
2 here by this Resolution Exhibit One that I showed to you  
3 just a minute ago.

4 The other would be as to the form of the  
5 question.

6 If there's an objection based on form, you can go  
7 ahead and answer the question. If there's an objection  
8 based on the scope, I would ask that you not answer the  
9 question until the scope issue has been resolved.

10 All right?

11 A Yes, sir.

12 Q State your name, please, and spell your last  
13 name.

14 A First name, George, middle initial, O, Gonzalez,  
15 Jr.

16 Q What's your occupation?

17 A My occupation, I'm presently employed by Fairfax  
18 County Fire and Rescue Department and I currently work in  
19 the Fire Station 25 as a sergeant.

20 Q How long have you been a sergeant?

21 A How long have I been a sergeant? For three  
22 years.

1 Q And before that, you were still with Fairfax  
2 County?

3 How long have you been working for Fairfax  
4 County?

5 A Ten years.

6 Q How long have you been doing emergency response?

7 A Thirteen years.

8 Q Now, as a sergeant in this type of an operation,  
9 what are your responsibilities? What do you do?

10 A Speaking in generality, I guess you're asking?

11 Q Yes.

12 A My responsibility is to act as -- I sort of have  
13 to explain the entire unit.

14 Q That's fine.

15 A There's two of us on there that are officers, one  
16 that's a lieutenant, myself is the sergeant, and you have a  
17 technician to help you get a better idea as to who does what  
18 and where.

19 Q What do you do as a sergeant?

20 A As a sergeant, when the full complement is  
21 present that day, I'm their backup for the unit and my  
22 responsibility is for patient assessment and care, and also



1 act as the manager and backup for any other emergency type  
2 incident that may dictate or necessitate the need.

3 Q So does the lieutenant go with you when you make  
4 one of these runs?

5 A Right.

6 Q Who does the lieutenant answer to typically?

7 A It's dependent. We answer primarily when you  
8 say, we answer, we answer primarily to our PSCC with a  
9 determination as to what actions are being performed or  
10 whether necessary equipment is needed, or if there's already  
11 a structure set up, an incident command structure, he  
12 reports to the next person in charge, which could be a  
13 captain or a battalion chief, and it's really incident-  
14 dependent.

15 Q You said PSCC. What does that stand for?

16 A Public Safety Communications Center or EOC,  
17 Operations Center, either one.

18 Q Before you worked for Fairfax County in this  
19 capacity, how were you employed? What did you do before?

20 A Three years prior to my employment, as far as the  
21 13 years you asked, the total of EMT I was a volunteer.

22 Q Who were you a volunteer for?

1 A The Fairfax County McLean Department.  
2 During that time, I was employed as a hotel  
3 supervisor/manager.

4 Q How old are you?

5 A I'm thirty.

6 Q Where did you go to school?

7 A High school, McLean High School.

8 Q After that?

9 A Campbell University.

10 Q In North Carolina?

11 A Right.

12 Are you familiar with the area?

13 Q Yes. Used to go to basketball camp there.

14 A Is that right?

15 Q Do you have any special training in emergency  
16 medicine?

17 A Yes.

18 Q What type of training do you have?

19 A I have studied with George Washington University  
20 paramedicine, their paramedic program.

21 Q When did you do that?

22 A That was four or five years ago.

- 1 Q So maybe 1990 or so?
- 2 A Right, '89-'90, it was.
- 3 Q What did that program cover? What did you study
- 4 there?
- 5 A Primarily it covered from a basic level all the
- 6 way to the advanced level of patient care, patient
- 7 assessment and management of the injured and sick, pretty
- 8 in-depth pre-hospital care.
- 9 Q How long was that program?
- 10 A The program for G.W. was a year, but it was
- 11 condensed because it's provided to the county as a four-
- 12 month program every day.
- 13 Q Have you taken any others before or after
- 14 programs relevant to paramedical?
- 15 A Just what was necessary as far as what was
- 16 provided to me by the County.
- 17 Q What type of training do they provide?
- 18 A Emergency medical technician certifications.
- 19 Q EMT?
- 20 A Right, EMT.
- 21 Q And you are certified, I take it, as an EMT?
- 22 A EMTP.

- 1 Q EMTP. What does that stand for?
- 2 A The State of Virginia recognizes MTAs, ambulance
- 3 or basic life support, the MTA. The MTP is the paramedic.
- 4 Q Were you on duty on July 20, 1993?
- 5 A Yes, I was.
- 6 Q Who was your lieutenant?
- 7 A This is where the confusing part comes in. The
- 8 reason why I explained to you that's our normal staffing of
- 9 the unit, on this particular day, I wasn't working in
- 10 Reston. I was detailed to support another location's
- 11 manpower needs, which was at Fire Station One in McLean.
- 12 The sergeant is capable of performing in the lieutenant's
- 13 position as well as the sergeant's position, and that day I
- 14 was acting as OIC of the unit.
- 15 Q OIC?
- 16 A Officer in Charge.
- 17 Q So you were the top person at the station that
- 18 day?
- 19 A The top person on the unit.
- 20 Q On the unit, okay.
- 21 Is there more than one unit at the station?
- 22 A Right, depending on the station you're talking

1 answer that the question calls for. The scope is governed  
2 here by this Resolution Exhibit One that I showed to you  
3 just a minute ago.

4 The other would be as to the form of the

5 question.

6 If there's an objection based on form, you can go

7 ahead and answer the question. If there's an objection

8 based on the scope, I would ask that you not answer the

9 question until the scope issue has been resolved.

10 All right?

11 Yes, sir.

12 Q State your name, please, and spell your last

13 name.

14 A First name, George, middle initial, O. Gonzalez,

15 Jr.

16 Q What's your occupation?

17 A My occupation, I'm presently employed by Fairfax

18 County Fire and Rescue Department and I currently work in

19 the Fire Station 25 as a sergeant.

20 Q How long have you been a sergeant?

21 A How long have I been a sergeant? For three

22 years.

1 Q And before that, you were still with Fairfax

2 County?

3 How long have you been working for Fairfax

4 County?

5 A Ten years.

6 Q How long have you been doing emergency response?

7 A Thirteen years.

8 Q Now, as a sergeant in this type of an operation,

9 what are your responsibilities? What do you do?

10 A Speaking in general, I guess you're asking?

11 Q Yes.

12 A My responsibility is to act as -- I sort of have

13 to explain the entire unit.

14 Q That's fine.

15 A There's two of us on there that are officers, one

16 that's a lieutenant, myself is the sergeant, and you have a

17 technician to help you get a better idea as to who does what

18 and where.

19 Q What do you do as a sergeant?

20 A As a sergeant, when the full complement is

21 present that day, I'm their backup for the unit and my

22 responsibility is for patient assessment and care, and also

P R O C E E D I N G S

(2:45 p.m.)

Whereupon,

GEORGE O. GONZALEZ, JR.

was called as a witness herein, and having been first duly sworn, was examined and testified as follows:

EXAMINATION

BY MR. IVEY:

Q Good afternoon, sir. My name is Glen Ivey. I'm

counsel for the Senate Banking Committee. I want to thank

you for coming down.

This is a deposition that we're doing involving

the investigation of the death of Vincent W. Foster. That

investigation is being done pursuant to this Senate

Resolution S. Res. 229.

(The document referred to was

marked for identification as

Deposition Exhibit Number 1.)

(Handing document to witness.)

BY MR. IVEY:

Q I'll show it to you here on page two where it

talks about the Committee covering the Park Service

investigation into the death of White House Deputy Council,

Vincent W. Foster, okay?

I'm going to ask you a series of questions about

that. You've been put under oath and the answers you give

at the time should be honest and accurate, obviously, to the

best of your recollection.

If you are speculating or guessing at all, let us

know. I would ask you to not guess or speculate at all

without telling us that you're uncertain about the answer.

If you have any trouble understanding the

questions that I ask you, just let me know and I'll rephrase

them or explain them to you, anything to help you answer the

question.

If you want to talk to your counsel at any time,

that's fine. If you want to take a break, that's fine as

well. If you want to supplement an answer you've given

earlier, you can always go back and say, I'd like to add an

additional thing to my previous answer.

All that is fine.

As far as objections at the deposition, there

should really only be two.

One would be to the scope of the question or the

1 about. It could be five units or two units or three units.  
2 Q Is there someone that oversees all of those  
3 units?  
4 A Right.  
5 Q Who was it that night or that day?  
6 A It was Lt. Bianchi.  
7 Q Was there anyone over him that was present at  
8 that time?  
9 A Present at the station?  
10 Q Right.  
11 A We can go up the ladder of the chain of command.  
12 Q Please do.  
13 A The next person that shift, that station is Lt.  
14 Bianchi. The next one up from his point, on a management  
15 size as far as EMS Captain, would be Elliott Rubino.  
16 Q That's captain?  
17 A Right.  
18 Q Okay.  
19 A And then the next person above him would be  
20 Battalion Chief James Swiggett.  
21 And the next chief about that would be another  
22 Battalion Chief, the last name is Maurice.

---

1 Q And above?  
2 A And above him would be our Shift Deputy Chief.  
3 That would be Chief Steinberg. We're going through some  
4 changes so they all switched battalions.  
5 Q Well, it's been a year to the day, I guess. Take  
6 your time.  
7 A And above him of course would be the Deputy of  
8 Operations, which would be Stinnett and then the Chief of  
9 the Department.  
10 Q Who is that?  
11 A Glen Gaines.  
12 Q Did you get a call for an incident at Fort Marcy  
13 Park at some point in that day?  
14 A At some point, I think.  
15 Q Do you recall about when it was?  
16 A Towards the latter part of the afternoon, maybe  
17 early evening.  
18 Q Do you recall what the call was?  
19 A The dispatch was for a possible DOA in the park  
20 next to a cannon, dead on arrival.  
21 Q What did you do in response to the dispatch?  
22 A Responded to the call.

1 Q Who went with you?  
2 A My driver was Todd Hall and my other ALS  
3 assistant was Rick Arthur, who is a technician.  
4 Q Anybody else?  
5 A On that unit, no.  
6 Another unit also responded on the same dispatch.  
7 Q That would be a fire?  
8 A That would be the fire engine, Engine One.  
9 Q Who was on the fire engine, if you recall?  
10 A Driver? Technician Ralph Bazzani, Sergeant J.  
11 Iacone is the officer in charge of the unit, and the  
12 firefighter, I don't know the first name, Wacha, W-A-C-H-A.  
13 Q What did you see when you first got to Fort Marcy  
14 Park?  
15 Well, first of all, how long did it take you to  
16 get to Fort Marcy Park?  
17 A You have to look at the response time as far as  
18 our computer readout.  
19 Q Just approximately.  
20 A Maybe five minutes or so, maybe. I'd be guessing  
21 at that because you have other factors involved.  
22 Transmission lines are not the best in that area. When you

---

1 get close to the river, transmission is usually either  
2 delayed or it's never received.  
3 Q Is there something in here that would have the  
4 exact time?  
5 A It should. One of the papers should denote a  
6 history of the call.  
7 (Handing document to witness.)  
8 THE WITNESS: Okay. This is an event history, as  
9 is mentioned up here.  
10 MR. IVEY: Let me have it marked Exhibit Two.  
11 (The document referred to was  
12 marked for identification as  
13 Deposition Exhibit Number 2.)  
14 THE WITNESS: An event history will usually begin  
15 from the time the call taker takes the message to include  
16 the dispatch and the entire call to the close of it.  
17 BY MR. IVEY:  
18 Q So what's the time of the call according to the  
19 sheet here?  
20 A 18:02 is the time it was received, dispatch time  
21 is 18:03. Then we have en route, which means that we've  
22 acknowledged that there's a dispatch and we're in our units

1 and depressed our MDT.

2 Q MDT stands for?

3 A Mobile Data Transmitter. Those words may be  
4 incorrect.

5 Q But it's a button you press that sends a signal  
6 to the dispatcher to let her know you're on your way?

7 A Right.

8 Q Does it say what time you got to the park?

9 A Dispatch yes, at 18:10.

10 Q Seven minutes?

11 A Right.

12 Q What did you see when you first got there?

13 A To the park?

14 Q Yes, sir.

15 A As I was driving up to the park, we crossed over  
16 G.W. Parkway, stopping traffic coming from D.C. As I  
17 entered the park, there was a silver, light blue, four-door  
18 Mercedes parked with its hazard lights on the right hand  
19 side.

20 We continued up the drive to the parking lot and  
21 parked our vehicles. At that time, there were only two  
22 vehicles parked in the parking lot.

---

1 Q Were they civilian vehicles?

2 A Civilian vehicles.

3 Q Do you recall what they looked like at all?

4 A One was a white two-door or four-door, I think it  
5 was a Nissan that was parked the furthest from the entrance  
6 side. I don't know if you're familiar with the park diagram  
7 or layout?

8 Q No, sir.

9 And the other car?

10 A The other car was a Honda, it was a darker color,  
11 charcoal gray or brown. I can't remember. It was a darker  
12 color, four-door sedan, older model.

13 Q With respect to the white Nissan, where was the  
14 Honda parked?

15 A As you have the entrance to the park, the white  
16 Nissan was parked at the furthest point to the entrance.  
17 There's only one entrance into it. And it was backed up  
18 into a parking space.

19 The other Honda was parked closer to the  
20 entrance, both on the left facing in towards the parking  
21 lot.

22 Q Where did you guys park?

1       A     We parked, the best description I can give is  
2 perpendicular to the parking spaces. The spaces run this  
3 way and we parked this way.

4       Q     Why did you park there?

5       A     That was the only space left or available for us  
6 to park. There was no concern of traffic or any other  
7 concerns.

8       Q     Then after you parked, what did you do?

9       A     We got out of our units and we decided to split  
10 teams.

11      Q     How did you split them?

12      A     Our teams were myself and Todd Hall, along with  
13 the Park Police officer. And as soon as we arrived, the  
14 Park Police officer was arriving also, right behind us. And  
15 the other team was Rick Arthur, Jay Iacone, Ralph Bazzani  
16 and Mrs. Wacha, Firefighter Wacha.

17      Q     Did you have your emergency kits? How many of  
18 those did you have out there?

19      A     The reason why we split up is we took an ALS crew  
20 up the park and then we took an ALS person down the park, so  
21 if the person was viable, we had trained personnel on both  
22 sides of the park and could provide the service.

---

1       Q     ALS stands for?

2       A     Advanced Life Support.

3       Q     So you split up, you go in different directions.  
4             What happens next, after you split up and start  
5 searching?

6       A     Myself, Todd Hall, and the police officer went up  
7 the park and we searched on both sides of the trail going  
8 up. We look around the area. If you've been to that park,  
9 there's a flat area and there's a brush area. It's an old  
10 fortress, and there's a few cannons around the whole area.  
11 The report was it was at the first cannon, excuse me.

12            The report was that it was at a cannon. The  
13 question was, do you know where the cannons are. Well, no,  
14 so basically we were going on a hunting mission, basically.  
15 We didn't know exactly where, so we just followed the open  
16 path and came across the first cannon.

17            Those two looked, I followed behind them, and  
18 thoroughly to make sure that the body wasn't covered up  
19 because there's a deep embankment right past the cannon.

20            And then, from that point on. I went to the  
21 other part of the park and about the time that I was going  
22 up the hill, Officer Fornshill and Todd Hall had already



1 found the body at the second cannon.

2 And I followed seconds later.

3 Q Did they say anything? How did you know they  
4 found the body?

5 A We found him, he's here. Just acknowledging the  
6 fact that they got a body.

7 Q Did you go over the body?

8 A Yes.

9 Q What did you see when you got to the body?

10 A I saw a dead male. He'd obviously been dead for  
11 some time. His skin color was pale. He had a white shirt  
12 on. His mouth was open. His eyes were slightly open, and  
13 he had flies about his eyes, nose, mouth, and some blood  
14 stains on the shirt, a dark pair of pants and shoes lying on  
15 the ground.

16 Q Did anyone check to see if he was alive or dead,  
17 check the pulse or anything?

18 A He was dead.

19 Q Did anybody check?

20 A Check the pulse? I believe Todd did, but the  
21 signs were definitely stating that the person was dead.

22 Q Let me back up. You've seen how many dead bodies

---

1 would you estimate in your career?

2 (Pause.)

3 A I'd have to say a lot. I can't remember what I  
4 told the FBI exactly, but I would refer back to them for the  
5 numbers.

6 MR. IVEY: I don't know if that question was  
7 asked, but we can mark it and let you look at that.

8 (The document referred to was  
9 marked for identification as  
10 Deposition Exhibit Number 3.)

11 (Handing document to witness.)

12 BY MR. IVEY:

13 Q Take your time.

14 (Pause.)

15 A One of the paragraphs stated here that I've  
16 responded to over 50 emergency calls relating to gunshot  
17 victims. The victims in this case were eventually  
18 classified as suicides. Of that number, over ten suicides  
19 were committed by the victim firing the weapon into the area  
20 of the mouth.

21 That's the number that I gave them.

22 Q Well, that's gunshot, but you've responded to

1 calls for, I don't know, car accidents?  
2 A Sure.  
3 Q So this is not a new thing in pronouncing someone  
4 dead?  
5 A No.  
6 Q Have you done that more than fifty times?  
7 A This is more specific to --  
8 Q Gunshot wounds?  
9 A Right.  
10 Q We'll come to that.  
11 So after you decided that he was dead, what did  
12 you do?  
13 Actually, before I ask that question, how long  
14 did it take you to find the body between the time you got  
15 there and the time you located the body, how much time  
16 elapsed?  
17 A I'd refer back to that.  
18 Q Exhibit Two?  
19 There you go.  
20 (Handing document to witness.)  
21 THE WITNESS: I made a call via our portable  
22 radio to our dispatch PSCC to advise him that we had an

---

1 obvious 1061.  
2 Q 1061 stands for what?  
3 A DOA.  
4 Q At what time was that that you radioed in?  
5 A The time here is 18:36.  
6 Q Can I take a look at that?  
7 A Sure.  
8 (Handing document to counsel.)  
9 BY MR. IVEY:  
10 Q That's 26 minutes?  
11 A Here's the thing. I can't recall if my  
12 transmission got out via my portable radio. I know I tried  
13 to transmit from the site of the person. I don't know if it  
14 was received, so the tapes were only voice tapes. You'd  
15 only be able to say yes or no. You know what I'm saying?  
16 Because I could have gotten back to the unit and transmitted  
17 from the unit.  
18 Q That's fine.  
19 A As far as location, so time, you know what I'm  
20 saying?  
21 Q The main thing I'm interested in at this point is  
22 the substance of what you said. I see suicide with gun

1 written down here, right after obvious 1061.

2 Would that have come from a transmission that you  
3 made to the dispatcher.

4 A This is a transmission from our unit and I don't  
5 have enough space to say possible suicide, but those are my  
6 transmission messages read there.

7 Q So the preliminary thought there was that it was  
8 a suicide?

9 A Right.

10 Q And the gun issue. Did you see a gun right away?

11 A Yes.

12 I mean, right away, I mean, it took me a few  
13 seconds. When I looked down -- when we do our assessment,  
14 on my assessment, I recognized a gun present.

15 Q How close did you get to the body?

16 A As close as myself and Bob here sitting right  
17 next to each other.

18 Q Arm's length? \*

19 A Less than that, which is --.

20 Q Where was the gun?

21 A In his right hand.

22 Q Did you or Hall or the officer touch the body at

---

1 all?

2 A I asked Todd. He may have looked at his legs, I  
3 think I asked Todd to take a look at his legs, but I didn't  
4 touch the body. The reason was because the person was dead,  
5 there was a gun present, and we needed to protect the scene  
6 more than anything else.

7 Q When you say Todd may have checked to see if he  
8 was alive, how would you do that? What would you do to  
9 check to see if he was alive?

10 A What I'm saying he checked, he may have checked  
11 his lower extremities, the two legs to see what sort of  
12 color or if there was any pooling down there.

13 Q You mean in the skin?

14 A Yes, extremities.

15 Q He was wearing long pants?

16 A Right.

17 Q Did he pull the pants legs up?

18 A May have.

19 Q He didn't check for a pulse?

20 A There was no need to check for a pulse. It was  
21 very obvious that the person was dead.

22 Q So checking the legs?

1       A     Color of hands and fingers where he had pooling  
2 blood, the body function had stopped. It was very obvious.

3       Q     --

4       A     Right.

5       Q     So after you saw the gun, what did you do?

6             (Pause.)

7       A     I think we paused for maybe a few minutes and  
8 just listened into what the Park Police were saying as far  
9 as securing the area. I think at that time, another Park  
10 Police officer came up to the location for a total of two  
11 Park Police. And then we released ourselves from the  
12 incident.

13            There was no need for us to provide ALS care or  
14 EMS services to this incident to the Park Police. From then  
15 on, it was theirs.

16       Q     So when you release yourselves, you leave the  
17 scene and go back to the station?

18       A     Yes.

19            Actually, what we did in this case, we went back  
20 to the parking lot and tried to determine which vehicle this  
21 person belonged to.

22       Q     Exhibit Two here, I see AOR, it looks like down

---

1 here. What does it stand for?

2       A     Available on Radio.

3       Q     Does that mean you were talking with the  
4 dispatcher?

5       A     No. Available on radio just means our unit is  
6 now ready for another call; we're finished with that  
7 incident and all field work is completed.

8       Q     So the call with the gun or about the suicide  
9 with gun, that's 1836 -- 46, right? Right here?

10       A     Yes.

11       Q     Then the AOR, when you're available, is 183702?

12       A     Right.

13            No, this is our unit here, M-One.

14       Q     So the fire engine is available?

15       A     Prior to us.

16       Q     Sixteen seconds after you called about the gun?

17       A     Before, prior to us.

18       Q     And then 16 seconds later, you guys are  
19 available?

20       A     Right.

21       Q     So 32 seconds after you see the gun, you guys are  
22 available for another call? Is that the way it worked or

1 are these numbers misleading?

2 A Now you're saying, you're counting the seconds  
3 from this transmission up top?

4 Q Right.

5 A Total time elapsed from this point here all the  
6 way to here?

7 Q Right.

8 A Okay, that may be the case, and the reason I'm  
9 saying that is I reached the unit at this time. The only  
10 way I could provide this information for myself was to type  
11 it in.

12 MR. BOBZIEN: Can I interrupt for a second?

13 Let me clarify.

14 You said that after he saw the gun --

15 MR. IVEY: Why don't you two talk, because I want  
16 him to say what's going to be on the record.

17 (Discussion off the record.)

18 BY MR. IVEY:

19 Q As far as the time, the 32 seconds shows an  
20 elapse of time. AOR means you called in and said you're  
21 available, and 32 seconds before that, what is that incident  
22 that's taken place there?

1 A Okay, let me back up to the miscellaneous.

2 This miscellaneous is an entry which is placed in  
3 our unit. That means I have to be present in the unit,  
4 making a transmission, so I've returned back from the site,  
5 the scene of the dead body to my unit, and have typed this  
6 in my computer.

7 Q So there's the 26 minute gap here between when  
8 you're on scene and when this transmission about the obvious  
9 1061, right?

10 A Right, that's correct.

11 Q So during that 26 minutes, you look around and  
12 find the body?

13 A We search for the body.

14 Q Determine it's dead and then go back to the unit?

15 A The parking lot and to our unit.

16 Q So the 32 seconds is just the time that you had a  
17 conversation, the period of time that elapsed between when  
18 you typed it?

19 A My computer, right.

20 So my first thing is to include that in the same  
21 incident, to identify in black and white our findings. And  
22 then after I've completed that miscellaneous report, now I'm

1 ready to say, okay, we're ready for another call, available  
2 on radio.

3 Q Is there anything else that you typed as far as a  
4 report or notes or anything relative to this incident?

5 A This is only the field work. There is an  
6 additional typed report and when we get back to the station,  
7 whenever we have time, we complete a narrative and also  
8 report on our findings.

9 Q Is that in this stack?

10 A It should be in this stack. Is this your pile  
11 here?

12 Q I believe so, yes.

13 A This is it right here, EMS incident report.

14 MR. IVEY: Let's have him mark it. That's  
15 Exhibit Four.

16 (The document referred to was  
17 marked for identification as  
18 Deposition Exhibit Number 4.)

19 BY MR. IVEY:

20 Q Why don't you describe it? What is an EMS  
21 incident report?

22 A An EMS incident report is an emergency medical

---

1 services incident report. Consequently, everybody's got to  
2 report, every unit's got to report. There's two divisions.  
3 Suppression, which is the fire trucks, trucks, engines,  
4 squads, cable units, what-have-you.

5 EMS incident reports take care of medic units and  
6 ambulances to inform me of what the specifics are down  
7 below. I can go on each line and identify what it means.

8 Q Let me direct you here.

9 This is the third line, RES PST 2.

10 A Response status number two is an emergency  
11 response with a non-emergency transport.

12 Q That just means that you didn't have to transport  
13 the body?

14 A Right.

15 Q The DIS PST 1?

16 A Dispatch status, one being our first view area,  
17 our response area.

18 Q So that's geographical?

19 A Yes.

20 Q Okay.

21 Cause problem 77? What's that mean?

22 A I'll have to look that one up. I don't recall

1 the meaning of the 77.

2 Q Situation 901?

3 A The same thing. I'd have to look that one up.  
4 901 is the DOA classification, I don't know what category.  
5 Part of the 900s include DOA; I know that. I don't know  
6 what the 1 characterizes.

7 (Pause.)

8 901- DOA trauma related specify area.

9 Q That's 901-A.

10 A Right.

11 Q Did you specify somewhere?

12 MR. DARMER: Could we get that marked if he's  
13 referring to it, and get our copy of it?

14 MR. BOBZIEN: It'll be in that code and it's on  
15 page F15.

16 (The document referred to was  
17 marked for identification as  
18 Deposition Exhibit Number 5.)

19 BY MR. IVEY:

20 Q So you elaborate some place else on this as to  
21 what the 901 is?

22 A It should be the second sheet behind that, and

---

32

1 it's a narrative report.

2 (Pause.)

3 Q Who wrote this narrative report?

4 A I did.

5 Identification of the report writer will be on  
6 the front of the incident report where it says "report by  
7 employee," and the number will identify myself.  
8 Consequently, right above that line, I'm looking back on the  
9 first page, it'll have the driver's number, the OIC's number  
10 and the aide's number.

11 (Pause.)

12 Q So in your report, your opinion is that he'd been  
13 dead about two to four hours. Is that right?

14 A That's what I say on that page there.

15 Q Weapon in his right hand. That's the gun we  
16 discussed earlier?

17 A That's right.

18 Q Back to the first page. I see here it says with  
19 the cause problem 77. Would that be in one of these too?

20 A It should be.

21 (Pause.)

22 Cause of problem. Okay.

1 Q Is this a document that's been marked already?  
2 A Yes, five, I think.  
3 Q Exhibit Five? Okay.  
4 A Page F-8 and the paragraph will read self-  
5 inflicted or apparent suicide is the title of the paragraph.  
6 And the method in which the best description  
7 would be is via firearm or explosive.  
8 Q Okay.  
9 So you would have typed that number in?  
10 A Yes.  
11 Q This was done right after you got back from the  
12 station or some time that night?  
13 A Some time during that night. We were real busy  
14 so I can't say what time it was done.  
15 Q Did you leave before the Park Police started  
16 taking pictures and searching the area and that type of  
17 thing?  
18 A Yes, we did. I'm speaking for my crew.  
19 Q Sure. I mean you personally?  
20 A Yes.  
21 Q Did you ever see anybody move the body?  
22 A No.

---

1 Q Did you ever seen an entrance wound or an exit  
2 wound?  
3 A I can only assume there's an entrance wound and  
4 that was from the mouth, because there was a lot of blood  
5 within the mouth, you could see that. It was dark and some  
6 of it had clotted already. I didn't see an exit wound.  
7 Q Did you ever talk to Rick Arthur about what you  
8 saw that night?  
9 A No.  
10 Q Did he ever talk to you about what he saw?  
11 A That night?  
12 Q Well, saw that night. I don't mean talked that  
13 night.  
14 A You mean about that incident from the date on?  
15 Q Any time up to before you came in here?  
16 A I don't recall any discussion on that topic.  
17 Q What about with Mr. Hall? Did you ever talk to  
18 him about the case?  
19 A No.  
20 Q Was there someone else named Corey?  
21 A Ashford.  
22 Q Did you ever talk with him about?



- 1 A Yes.
- 2 Q What conversations did you have with him about  
3 it?
- 4 A What he remembered, what I remembered.
- 5 Q What did he say?
- 6 A I can't remember.
- 7 Q Do you remember what you said to him?
- 8 A I think we were trying to -- I was trying to  
9 recall whether there was a gunshot wound on the side of the  
10 head. I could not remember.  
11 I was just wondering if he had the same  
12 recollection.
- 13 Q So you were trying to remember where the entrance  
14 wound was?
- 15 A Yes, for some reason, I was trying to recall.  
16 Something in my mind said it was on the side of the head.  
17 There could have been a spot of blood or a run of blood. I  
18 couldn't remember at that time. That's why I was asking  
19 him.
- 20 Q And the side of the head?
- 21 A Right side.
- 22 Q Upper part, lower part?

- 1 A Let's see. If you want to break it up in four  
2 areas, say, and looking from the side profile, top right  
3 area.
- 4 Q So near the temple area?
- 5 A Yes, somewhere right in this area.
- 6 Q About how long after July 20th did you have this  
7 conversation with Corey Ashford?
- 8 A Probably around the time. This was after our  
9 meeting with the FBI.
- 10 Q So that would have been?
- 11 A I don't recall the date now. It's probably on  
12 one of the reports here.
- 13 Q We've got too much paper out here.  
14 (Pause.)  
15 That was some time in May, maybe?
- 16 A I'd have to review. I don't know.  
17 (Pause.)  
18 No, I don't have it.
- 19 Q Oh, here it is.  
20 (Handing document to witness.)  
21 BY MR. IVEY:  
22 Q February 28th?

1 A Date of transcription. I don't know if that's  
2 the same date of our meeting. Investigation on the 23rd,  
3 2/23.

4 Q Did you discuss the meeting with Corey in this  
5 interview, do you recall?

6 A Did I discuss, I'm sorry?

7 Q Your conversation with Corey Ashford in this  
8 interview with the FBI?

9 A No, this was after.

10 Q You had the conversation with Ashford after the  
11 FBI meeting, okay.

12 A After.

13 (Pause.)

14 Q You talked to the FBI, they showed you some  
15 polaroid photographs?

16 A Yes, they did.

17 Q Apparently you recall the gun being in a  
18 different position than what was photographed?

19 A That's correct.

20 Q What was the position you recall the gun being  
21 in?

22 A The body was laid out straight and the hands were

---

1 by his side, and I described to them that the picture in  
2 which they showed me, that his left hand was in the right  
3 position that I saw. Did I say right hand?

4 Q You said left hand.

5 A Left hand. I meant the left hand was in the  
6 right position, right by his body, and that his right hand  
7 was in the same position as his left hand, right beside his  
8 body with the gun down between the thumb and the first  
9 finger. You could see the barrel, the revolver, I'm sorry.

10 Q How did the picture depict it?

11 A Hand out like this?

12 Q The hand was out?

13 A Yes, right hand.

14 Q With the palm up?

15 A That's what I remember.

16 Q I guess, just for the description for this, away  
17 from the body?

18 A Yes, away from the body.

19 Q But the correct position that you saw was arms  
20 straight down and close to the body?

21 A Correct.

22 Q The palm was up or down?

1 A Down. Because I could not see the entire gun. I  
2 could only see the revolver of the gun.

3 Q Would you say that it would have been difficult  
4 to see the gun initially?

5 A Yes.

6 Q Let's go to your interviews here with the press.  
7 (The document referred to was  
8 marked for identification as  
9 Deposition Exhibit Number 6.)

10 (Handing document to witness.)

11 BY MR. IVEY:

12 Q Let me give you Exhibit Six here. It's a New  
13 York Post article.

14 (Pause.)

15 Do you recall being interviewed by Christopher  
16 Ruddy?

17 A Yes, I do.

18 Q Are the quotes he attributes to you accurate?  
19 Are those what you said to him?

20 A I'd have to review this whole paragraph or the  
21 whole thing.

22 Q Okay, feel free.

1 A Word by word or paragraph by paragraph.

2 (Pause.)

3 If I go down to paragraph, the sixth paragraph,  
4 he said a 38 caliber Colt revolver was in Foster's right  
5 hand, even though experts say the handgun -- the first part  
6 of that, I never quoted a gun nor did I ever quote my  
7 qualifications to identify a gun.

8 Q Do you recall what type of gun it was?

9 A All I could say, like I said to you, it's a  
10 revolver. I don't know the size gun nor type gun, or  
11 anything like that.

12 Q What about two paragraphs below that. "Gonzalez  
13 said he was surprised to find so little blood at the death  
14 scene of someone who appeared to have placed a 38 in his  
15 mouth and pulled the trigger."

16 A That's true.

17 Q But you didn't say a 38 though, because you  
18 didn't know what type of gun it was?

19 A No. I just said that there was very little blood  
20 for an accident such as this that occurred, such as this to  
21 occur.

22 Q That would be?

1 A A gunshot to the mouth. I said there wasn't a  
2 lot of blood.

3 Q So two paragraphs after that, you say, usually a  
4 suicide by a gunshot is a mess.

5 A The majority of the time, it is.

6 Q You said it usually there.

7 Does that mean that you've been to scenes which  
8 are gunshot suicide scenes which were not a mess, to use  
9 your words?

10 A Repeat your --

11 Q Let me phrase it this way.

12 Why did you say usually there?

13 A Mainly because there's no one particular, I guess  
14 every suicide's not the same. I mean, you can have  
15 different weapons used, different distances used, different  
16 angles used.

17 MR. BOBZIEN: Let me talk to my client for a  
18 second.

19 (Discussion off the record.)

20 BY MR. IVEY:

21 Q You're saying what? Your statements are based on  
22 your personal experience?

1 A Right.

2 Q Have you personally been to suicide scenes or  
3 suicide by gunshot scenes where they weren't, as you say, a  
4 mess?

5 A Here's what, I guess I'm trying to define what I  
6 was trying to say back at that time, and I'm trying to  
7 remember exactly what I was trying to bring across.

8 Q Okay.

9 (Pause.)

10 A When I say usually, I guess it's most frequently  
11 come across as far as suicides with gunshots to the head  
12 that it seemed more of a mess than this case here.

13 Q I follow you there. But you said usually and  
14 more frequently, and that sort of language. I guess I'm  
15 trying to figure out -- I'm not trying to put words in your  
16 mouth.

17 A Your question was? If you can ask me the  
18 question again? Are you saying usually --

19 Q Why did you use the word "usually" there?

20 A Usually, I guess defining that I can remember  
21 usually most of the time, a messy presentation will exist.

22 Q Let me ask you this, then.

1           If every time you'd gone to a suicide scene with  
2 a gunshot, it had been a mess, would you have said always,  
3 or every time I've had a gunshot wound suicide to the mouth,  
4 it's been a mess?

5       A     Please repeat your question.

6       Q     If your experience had been that every time you'd  
7 gone to a scene like this, it had always been a mess, would  
8 you have said that to him? Would you have said, every time  
9 I've been to a scene like that, it's been a mess?

10       (Pause.)

11       A     Let me describe a few situations that you'll  
12 maybe better understand the word "usually."

13           Sometimes the head is either gone, decapitated,  
14 okay, from say the mouth all the way up.

15           Sometimes you have the whole frontal part of your  
16 face but with the back portion, the occipital region gone.

17           Sometimes it's the side of the face if it's an  
18 angle or approach the gunshot from the side, this side of  
19 the face is usually gone.

20           I guess when I say usually, I'm thinking of  
21 numbers and the majority of the numbers, to describe your  
22 question, as far as usually.

---

1       Q     I guess I'm trying to figure out the other side.  
2           You said the majority of the cases. What about  
3 the minority of the cases?

4           Tell me about some of those.

5       (Pause.)

6       A     You're going to have to ask me to go back in the  
7 files. It's been a long time.

8       Q     No, I don't want you to go back in the files.

9           When you were talking to Christopher Ruddy, what  
10 were you thinking when you said usually, as opposed to  
11 always or every time or something like that?

12       A     That not all cases are the same. Not all cases  
13 are you going to have, you know, I guess a lot of blood a  
14 hundred percent of the time. Gunshot wounds will dictate, I  
15 guess, a mess, you know. But the majority of the time I  
16 guess it did. It has, that I've confronted.

17       Q     Did you see this article before you talked with  
18 Corey Ashford?

19       A     I saw this article after it came out.

20       Q     Do you remember if you spoke with Corey before or  
21 after you saw the article?

22       A     I spoke to him after, just in discussion, because

1 at that time, we were getting a lot of telephone calls at  
2 the station from every news agency conceivable.

3 Q Did he tell you that he didn't recall an exit  
4 wound?

5 A I can't recall the discussion at that time. I  
6 think it was more along the lines as to the calls we were  
7 receiving, not to the actual incident.

8 Q But at some point, you were talking with him  
9 about, you were trying to remember where the wound was?

10 A That was back after the FBI.

11 Q So that was more towards February then that this?

12 A Right.

13 Q Is it fair to say that what you saw on July 20,  
14 1993 was fresher in your memory on July 20th than it was in  
15 January and February, 1994?

16 A Repeat the dates again you were saying?

17 Q July 20th, the day you went out to respond to  
18 this call, and January and February being the times when you  
19 spoke to the newspaper and you spoke with Corey Ashford?

20 Your answer is what?

21 A I was waiting for the rest of the question.

22 Q I was asking, did you remember it better in July

1 '93 or January and February '94?

2 A I would say so, yes.

3 Q It's an or question, so which one would it be?

4 A Either/or you're saying?

5 Q Would it be July or would it be January and  
6 February?

7 (Pause.)

8 Let me ask you this. When you were talking with  
9 Corey, some time in February of '94, you were trying to  
10 remember where the entrance wound was, right?

11 A Yes.

12 Q Okay. Which means that maybe -- I mean you answer  
13 a lot of calls in the course of eight months, I would  
14 assume, right?

15 A From that time? Sure.

16 Q But on July 20th, when you wrote your report here  
17 in Exhibit Four, you wrote that within a few hours after you  
18 came back from the scene, a day maybe?

19 A At the max. I think it was that evening, maybe  
20 midnight or so, between 10:00 and midnight

21 Q And at the time you wrote the report here in  
22 Exhibit Four, you remembered where the entrance wound was,

1 right? Or what you'd seen that day. Is that fair to say?

2 A As far as what I just stated to you before? As  
3 far as the additional wound? When I wrote that report, I  
4 was exhausted. I mean, if I forgot something, I could have.

5 Q No, I'm not asking if you forgot anything.

6 I was just asking if you remembered what you saw  
7 on July 20 when you wrote this.

8 A When I wrote that, that's the best information  
9 that I could supply for that incident.

10 Q And at this point, you didn't recall wondering if  
11 there was any type of wound near the temple area on the  
12 right side, did you?

13 (Pause.)

14 A You're asking me to go back some time. It  
15 doesn't come to mind.

16 Q If you thought that, would you have written it in  
17 your narrative? Do you want to look at your narrative?

18 A Like I said to you just a few seconds ago, I was  
19 exhausted when I wrote that report. If it's an item that I  
20 may have forgot, I forgot it.

21 There's things that sometimes do come up after.

22 Q What is it you think you may have forgotten?

---

1 A I'm just saying may have. I'm not saying I  
2 absolutely forgot.

3 Q Do you think that the report you wrote is  
4 accurate?

5 A Yes.

6 Q At the time you spoke with Mr. Ruddy, do you  
7 know if he'd seen this report?

8 A I can't recall if he requested that or not.

9 Q Did he know that you had typed in that this was a  
10 77, a self-inflicted gunshot wound?

11 A Did he know?

12 Q Yes.

13 A I don't know. You'd have to ask him.

14 Q Did you talk to him about that?

15 A When I speak to somebody in an interview, I don't  
16 say, well, I coded it as 77 or something like that.

17 Q When he was asking you questions, was he trying  
18 to figure out whether it was a homicide or a suicide as far  
19 as you could tell?

20 A He was leaked to the curiosity of a possible  
21 event other than a suicide.

22 Q Did he ask you if you thought it was a homicide

1 or a suicide?

2 A I can't recall if he did or not. I know there's  
3 a few times where I specified that I wasn't able to make a  
4 determination on that. My specialty is not forensic or a  
5 coroner's specialty, you know. I may have said that along  
6 the line. I've spoken to so many people over the phone and  
7 in conversations calling me, asking me questions and  
8 questions and questions, the same questions, not the same  
9 questions, but --

10 Q You've been through it a lot of times?

11 A Yes. And a lot of it's been asking me specifics  
12 as to bloods and all this stuff, not general questions. I'm  
13 not a forensic specialist. My specialty is paramedicine and  
14 prehospital care, and that's all I have to say.

15 Q Let me see if there's anything left in this  
16 article here.

17 (Pause.)

18 Did you say the hand was wrapped around the rib  
19 of the gun? Do you recall saying that to him?

20 A No. I just said the visual, my visual assessment  
21 was I saw the revolver.

22 Q Did you tell him, you know, did he ask you

---

50

1 whether the palm was up or down or any of that kind of  
2 stuff?

3 A Exactly how it got to a point, I guess. He had a  
4 hard time understanding the position, so he asked me to  
5 describe it better than that. And I described it to him.  
6 Because of my frequency with dead bodies, as laid out in the  
7 coffin, sometimes you see them this way or you see them down  
8 hands straight. That's the way he was laid, straight.

9 So he quoted me on the description as far as the  
10 coffin. That was correct.

11 Q Fingers were cyanotic. Is that how you pronounce  
12 it?

13 A Cyanotic.

14 Q Or pooling blood? Okay. You said that?

15 A Yes.

16 Q You said they saw the gun.

17 A What paragraph?

18 Q This is on the second page, one, two, three,  
19 four, five, six down, I think.

20 A They saw the gun. Who's they?

21 Q Gonzalez said of the cop's snap judgment.

22 (Pause.)



1 A I'm getting for that article from the statement  
2 that they saw the gun, meaning that they saw the gun as well  
3 as I did. Is that what you're getting at?

4 Q I'm just, I think the article is written to imply  
5 something other than they saw the gun. I'm just trying to  
6 figure out what you actually said.

7 A All I can remember is stating the same thing I  
8 stated to you earlier, and that was the fact that the Park  
9 Police officer was there with us when we first arrived on  
10 the scene.

11 Q Do you feel that the officers there made a snap  
12 judgment about this being a suicide, or a hurried judgment?

13 A I may have described it. When you give your  
14 initial report back on the radio, you give them some sort of  
15 status description of the incident's circumstances.

16 Q He's not saying that you said it was a snap  
17 judgment; he's saying, he said it was a snap judgment of the  
18 cops, okay.

19 Did you ever say that it was a snap judgment by  
20 the cops?

21 A No.

22 Q He also uses the phrase here, "cursory look at

---

1 the crime scene."

2 What are your thoughts on that language? Do you  
3 feel it was a cursory look that was made before a  
4 determination was made?

5 A I wouldn't be able to determine that.

6 Q What about your look at the scene? Do you feel  
7 that you guys made a cursory look before you announced you  
8 were ready to go on to your next run?

9 A Define cursory in your definition?

10 Q Brief, quick, less than thorough?

11 A Ours was more of a physical assessment. It was a  
12 visual assessment of the body and surrounding area. It  
13 wasn't a sort of cursory or any snap judgment.

14 Q So do you feel that you were there long enough to  
15 make an accurate assessment of the situation?

16 A Absolutely.

17 Q And you left when the police were still there.  
18 Is that true?

19 A I left, yes.

20 Q Let's go on to your next interview with the Post  
21 here.

22 MR. IVEY: Let me have this marked.

1 (The document referred to was  
2 marked for identification as  
3 Deposition Exhibit Number 7.)

4 (Handing document to witness.)

5 BY MR. IVEY:

6 Q This is Exhibit Seven. This is an article from  
7 the New York Post, dated January 31st, 1994. This was also  
8 written by Mr. Ruddy.

9 Do you recall if he interviewed you more than  
10 once?

11 (Pause.)

12 A We had a one on one interview. One face to face  
13 interview with myself and him and another gentleman.

14 Q Did you ever talk with him again?

15 A I spoke to him on the phone.

16 Q Do you recall if it was after the first article  
17 had been published?

18 A I think it was, yes.

19 Q Was it before this next article was published on  
20 January 31st?

21 A I'm not sure. This was fairly soon. I'm not too  
22 sure.

1 (Pause.)

2 I think the only part that I'm quoted is the  
3 furthest column to the right.

4 Q Yes, the 911 call was made by an unidentified  
5 woman.

6 A What I said specifically was the fact that I  
7 remember a woman in the dispatch. I did not know if the  
8 woman was making the call or whether it was a woman  
9 dispatcher.

10 Q Normally the 911 call would go to a dispatcher.  
11 Is that right?

12 A Right. The call taker, then to your dispatcher.

13 Q Because you guys don't answer those calls  
14 directly?

15 A Right.

16 Q So do you know if the woman who made, the person  
17 that made the 911 call was a woman or not?

18 A I would only be -- the 911 call, I never knew who  
19 made it until after the fact, listened to news reports and  
20 stuff like that, that's all. At first, it was a worker.

21 Q Did you hear that it was a male or a female?

22 A Now that I know now, I think it was a male, from

1 what I hear of reports, news reports. I could be wrong. I  
2 don't know.

3 Q Is it fair to say that you have no direct or  
4 personal knowledge about whether it was a male or a female?

5 A That's correct.

6 (Pause.)

7 Q Did you talk with anybody else in the Fairfax  
8 Fire Department or Government or anything else after these  
9 articles came out?

10 A No.

11 Q Did you get any calls from superiors or  
12 supervisors?

13 A I discussed it with my public affairs office, the  
14 public information officer.

15 Q Who's your public information officer?

16 A Kathy Simmons.

17 Q What was the nature of that conversation? What  
18 did you two talk about?

19 A Well, after the article, we sort of got a flood  
20 of calls from every news agency conceivable. And the  
21 initial response to it was to advise the news agencies that  
22 we are presently not making any comment on the issue or on

---

1 this call. And that an news conference would be scheduled  
2 and we would take your names down to call the public  
3 affairs, or excuse me, the public information officer,  
4 identify yourself, and leave a name and number where you  
5 could be contacted.

6 At that time, I was working on that day, so at  
7 headquarters, everything was going behind my back. I was  
8 out in the operations division and those guys were working  
9 on setting up a news conference.

10 Later on, I guess they found out through the  
11 county attorney and through the county administration, that  
12 an investigation was being done on it, and therefore they  
13 cancelled the telephone, the news conference.

14 Q Did you feel upset about any of this?

15 A I felt relieved that I didn't have to go to a  
16 news conference and be badgered by a bunch of reporters.  
17 I'm sorry if there's any reporters.

18 Q They're used to it, I'm sure.

19 Were you ever threatened with, like, losing your  
20 job or anything like that, if you spoke to the press again?

21 A Well, we have a standard operating procedure that  
22 we must follow. It was under the recommendation of the

1 chief and on down the line, I should say from further on up,  
2 the county administrator, and maybe the county attorney's  
3 office, not to discuss any issues regarding this case.

4 Q Is that a new SOP, or did that predate this  
5 interview with Chris Ruddy?

6 A It's prior. It's an existing one before this  
7 date.

8 Q Did you get in an trouble for making these  
9 statements?

10 A I was authorized to make them.

11 Q Who authorized you to talk?

12 A Kathy Simmons.

13 Q Okay.

14 So there's never been any type of fear of job  
15 reprisals or anything like that?

16 A No.

17 Q Have any of your superiors, like the chief or the  
18 deputy chief or anyone like that, contacted you about your  
19 comments in the paper?

20 A Contacted me?

21 Q Yes.

22 I don't mean, you know, just, hey, how are you

---

1 doing, or normal course of business stuff. I mean  
2 specifically about what you said in these articles or what  
3 you did or saw at the Vince Foster scene?

4 A No.

5 Q Has anybody tried to influence your opinion or  
6 tell you to rethink what you said or to reconsider what you  
7 said, or you must be wrong, or anything like that?

8 (Discussion off the record.)

9 THE WITNESS: Yes, I have.

10 BY MR. IVEY:

11 Q Who's told you that?

12 A I forgot this gentleman's name. Jonathan Slevin,  
13 who came to my door this weekend and had a message for me.  
14 The message was that Chris Ruddy's life is threatened and in  
15 danger. Consequently, my life is in danger now. Basically  
16 a threat on my life this weekend.

17 The officials have been advised, the county  
18 police as well as the FBI.

19 Q This individual's name was what?

20 A Jonathan Slevin, S-L-E-V-I-N.

21 Q Do you know this guy?

22 A Don't know him from Adam.

- 1 Q Do you know if he is linked with the county  
2 government?
- 3 A He had a message from Chris Ruddy. That's what  
4 he said.
- 5 Q From Chris Ruddy that your life's in danger?
- 6 A Yes.
- 7 Q So he wasn't personally threatening you. He was  
8 just telling you?
- 9 A He had a message to pass on to me.
- 10 Q So there's someone, according to Mr. Slevin, who  
11 was out to get you?
- 12 A Yes. Whether it's to change my opinion, or  
13 change my words, or to theoretically physically threaten my  
14 life, I don't know.
- 15 Q But you contacted the county authorities?
- 16 A The county authorities and the FBI.
- 17 Q Have they take precautions?
- 18 A They've made steps. I don't know what  
19 precautions you're talking about.
- 20 Q Do you know if anyone from the White House has  
21 contacted you or attempted to contact you?
- 22 A At work one day. I'm taking this from memory.
- 

- 1 Maybe a White House reporter called me on the phone.
- 2 Q A White House reporter?
- 3 A I can't remember the name. Needa or Nida. I  
4 can't remember the name.
- 5 Q Nita?
- 6 A I didn't get her name and I didn't write it down,  
7 because there was a time when I was rushed and a lot of  
8 calls came in, emergency calls, and I think she called a  
9 couple of times. I don't know her name, but I remember  
10 Anita or something of that nature.
- 11 Q She was with the White House?
- 12 A She identified herself as a White House reporter  
13 or something of that nature.
- 14 Q Was she a reporter that covers the White House?
- 15 A I don't know. I don't know if she's exactly like  
16 you're describing, a White House correspondent.
- 17 Q Or an employee at the White House.
- 18 A I have no idea. When you're on the phone, you  
19 don't know who's at the other end. But she described  
20 herself as something, a White House correspondent or  
21 something of that nature.
- 22 Q Before you went to your interview with the FBI,

1 did you talk with anybody at your department or anybody with  
2 your county government?

3 A No.

4 Q Did you have to get any approval to go do that?

5 A Go to where, which interview?

6 Q The FBI one that we were talking about here in  
7 Exhibit Three. It took place on February 23rd?

8 A That was sent down the ladder chain of command,  
9 eventually down to me. They authorized my presence and they  
10 asked, I believe the county attorney from the county through  
11 our department, from our department, down to my office and  
12 eventually to me.

13 Q Had you initiated that chain, or had someone else  
14 done that?

15 A Had I initiated that chain?

16 Q Yes. Who asked for you to go testify? Who asked  
17 your superiors to make that decision?

18 A I don't know.

19 Q Was it you? Did you ask them if you could go  
20 testify or do the interview?

21 A No. I wasn't subpoenaed because I didn't have a  
22 subpoena. I was just asked to go testify or asked to be

---

1 questioned on the case.

2 Q And you don't know who called to ask or whatever?

3 A No.

4 Q What about for this deposition? Did someone call  
5 you specifically?

6 A My officer in charge of the station, the captain  
7 of the station advised me that I was to report here.

8 Q Had the Senate contacted you or did the Senate  
9 contact one of your superiors first?

10 A I don't know. I have no idea.

11 Q You were on vacation last week?

12 A How do you know?

13 Q We were trying to reach you last week. That's  
14 how we know.

15 (Laughter.)

16 A I still am.

17 MR. IVEY: I think that about covers it for me.

18 Mr. Darmer's going to ask you questions.

19 I would just ask that you not discuss your  
20 statements here at the deposition.

21 And I also forgot to mention that you may be  
22 called as a witness at the hearing on July 28th or 29th, but

1 that hasn't been determined yet as to who the witnesses will  
2 be.

3 THE WITNESS: I'd like if everyone could be  
4 identified here. I don't know who the other people are, the  
5 two other individuals who are here, three others.

6 MR. DARMER: My name is Roman Darmer. I'm  
7 counsel to the Senate Banking Committee minority. These are  
8 Julie Fallon and Paul Goldenberg who are also working on the  
9 Senate Banking Committee minority staff.

10 THE WITNESS: Thank you.

11 MR. IVEY: I'm done so you're up.

12 EXAMINATION

13 BY MR. DARMER:

14 Q You mentioned that the call you received with the  
15 potential threat was from a Jonathan Slevin?

16 A Yes.

17 Q Where did that call come to?

18 A They walked up to my home. It was my son's  
19 birthday and we'd just returned from Chuck E. Cheese. My  
20 wife was confronted by this man that came up to her with an  
21 envelope -- I was already inside the house -- and asked if I  
22 was home, asked if he could talk to me, and stated that he

1 had a message to pass on to me.

2 And made the indication that he had an envelope  
3 to pass on.

4 She said, well, maybe you can talk to him in a  
5 couple of hours; maybe if you come back in a couple of  
6 hours. So he came back in a couple of hours, and then, at  
7 that time, she went out again and at that time, the party  
8 was still going on. My family was there.

9 I sent my father out, and they questioned him as  
10 to what he wanted. If you want to ask the specifics, I  
11 wasn't present at the conversation.

12 The best thing to do is to ask for the report.

13 Q So you never talked to the person?

14 A Face to face, no.

15 Q Did your father or your wife recognize the  
16 person?

17 A They took a picture of him.

18 Q Did they actually receive the envelope that he  
19 wanted to deliver?

20 A At that time, the second time around, he did not  
21 want to hand over the envelope. There was no need to hand  
22 over the envelope.

1 Q Why was that?

2 A Because he said that it wasn't for me.

3 Q He said the envelope wasn't for you?

4 A The second time.

5 Q But the first time, he had asked to give you the  
6 envelope? Do you understand that?

7 A I don't understand it either. Maybe it was just  
8 a presentation, to make a presentation that he had, some  
9 sort of business transaction to do, make it look like he had  
10 something on hand to give me, when in actuality, he just  
11 wanted to talk to me.

12 Q What was the message that he gave to your father  
13 or your wife to give to you?

14 A Basically that my life was in danger. Chris  
15 Ruddy's life was threatened as well as down the line. Mine  
16 is threatened because I've changed my story. I haven't  
17 talked to anybody. He was stating something about the first  
18 cannon and that I told Chris Ruddy that I saw the body at  
19 the first cannon, not the second cannon, and a few other  
20 things.

21 You see, I wasn't there, and they had a  
22 discussion with both county and FBI.

---

1 Q Did they ask this person questions?

2 A Yes.

3 Q At the time?

4 A They asked him what purpose do you have here.  
5 What do you want to do, what do you want to say. Are you  
6 here to say what?

7 Q Did they ask who sent him?

8 A I don't know if they asked that, but I think in  
9 the discussion, Chris Ruddy's name did come up.

10 Q Do you think Chris Ruddy sent this person?

11 A I don't know.

12 Q Have you had any conversations with Chris Ruddy  
13 since the articles appeared?

14 A No, not since early -- late January, early  
15 February.

16 Q Did you get paid for those articles?

17 A No.

18 Q Officer, you mentioned your assessment procedures  
19 when you arrived at Fort Marcy Park. Tell me exactly what  
20 standard operating procedure for assessment in this  
21 situation would be.

22 A Our first assessment, I mean, generally speaking



1 is a scene safety assessment, making sure that the scene is  
2 safe, may well enable us and our crew to go forward and  
3 locate the injured, and the second would be a patient  
4 assessment, to determine whether there's any viability in  
5 the body or person.

6 Q Is there a specific sequence of things you're  
7 supposed to do to determine viability?

8 A ABCs, airway breathing circulation, check the  
9 airway.

10 Q How do you do that?

11 A You look, listen, and feel for the airway. You  
12 just look and listen.

13 Q Do you feel the throat?

14 A The airway, airway and breathing. You look and  
15 listen. Basically you get down, you look with your eyes and  
16 you listen with your ears to hear any air flow.

17 Q And what were B and C?

18 A B and C, breathing is B, and C is circulation,  
19 circulation being the pulse.

20 Q Where do you normally check for the pulse?

21 A You check the carotid here or the distal location  
22 here.

1 Q So when you arrived on the scene, what did you do  
2 in terms of this assessment?

3 A An airway was determined.

4 Q How?

5 A The airway was determined that it was blocked by  
6 blood, all right. The airway, there wasn't a patent airway,  
7 the patient wasn't breathing and there was no circulation.

8 Q Did you determine all of that by visual means?

9 A Visual means.

10 Q So it's standard operating procedure not to  
11 actually check the body for a pulse?

12 A If you determine that the person is already non-  
13 viable or dead. You can tell by looking at the patient that  
14 he's dead already by signs, lividity in the wrist area,  
15 blood around the mouth, post-mortem lividity is a sign of  
16 death.

17 Q So you've been in other situations where you'll  
18 not touch the body at all in determining that the patient is  
19 dead?

20 A Yes, you know, or may, I may just touch by  
21 feeling the body's temperature and you'll usually, in the  
22 patient, sometimes lift the sheets and be able to tell. Say

1 they're laid on the table here, the table being a bed, you  
2 will be able to see the back is all pooled with blood to the  
3 lowest area, the abdominal buttocks area.

4 Q You said you thought that Officer Hall might have  
5 checked the lower legs or the extremities. What would he  
6 have been doing, what kind of check would he have been  
7 doing?

8 A Just a visual appearance, lividity and/or color.  
9 That's all.

10 Q That would involve touching the legs?

11 A It would in this case because he had long pants  
12 and socks. I may have asked him to do that. Whether he  
13 accomplished it, I'm not sure.

14 Q Would you have asked him to check the lividity in  
15 the arms?

16 A I saw that, the arms and the fingers.

17 Q Did you have to touch the fingers to determine  
18 that?

19 A You could see that.

20 Q You mentioned, in your interview with the FBI,  
21 that you did a search of the mouth. Is that what you were  
22 referring to airway?

1 A Airway, right.

2 Q And that was a visual search?

3 A Right.

4 Q Who pronounced the body dead?

5 A I did. The actual pronouncement is done at the  
6 coroner's office in the State of Virginia, but at the scene,  
7 we identified it as a dead person, non-viable. The actual  
8 black and white is done by the coroner.

9 Q Were you communicating in any way by radio at the  
10 scene back to your unit? Did you have a radio with you?

11 A Yes, I had a radio.

12 Q So did you communicate that back to your unit?

13 A As I mentioned to Glen earlier, I remember trying  
14 to communicate back to our dispatcher PSCC as to the  
15 condition of the scene, the status of the scene. Whether it  
16 got transmitted or not and was received, I don't remember if  
17 it was there at the hill in front of the cannon or back at  
18 the unit. I don't remember that.

19 Q So you can give messages but you just can't tell  
20 whether they're received? You don't know.

21 A The only way I can determine whether it was  
22 received or not is for them to acknowledge my statement.

1 Q And you don't remember whether you got an  
2 acknowledgment?

3 A I don't remember. You'll have to listen to the  
4 tapes to see.

5 Q Do you recall whether you got any other kind of  
6 messages or transmissions to you when you were at the scene?

7 A No. En route, I think we did; not at the scene.

8 Q What kind of messages would you get en route?  
9 Would it have anything to do with this particular case you  
10 were headed for?

11 A Yes, it would be specific to this incident.  
12 Whether it would be a person to meet me or something like  
13 that. I'm giving you an example, not the specific case.

14 But you'd have to review the tapes because I  
15 don't remember. I remember some discussion, some  
16 communication going on.

17 Q Did you say that you estimated time of death at  
18 the scene?

19 A Yes.

20 Q What was that?

21 A I remember the report states I think two to four  
22 hours.

1 Q How do you arrive at that kind of estimate?

2 A OJT, meaning on the job training specifically  
3 dealing with dead bodies and seeing time lapse photography,  
4 police talking to the investigators throughout the years,  
5 and just a feel for the time that the body's transposed, as  
6 the body decays.

7 Q Can you be a little bit more specific about what  
8 the actual tests are or the indicators are that you've  
9 learned over the years about how you might make that  
10 determination?

11 A Indicators such as postmortem lividity, rigor  
12 mortis.

13 Q Can you determine rigor mortis without touching  
14 the body?

15 A No.

16 Q So you basically, did you make your estimated  
17 time of death based on the lividity primarily?

18 A Right.

19 Q Any other factors?

20 A Right, the appearance, my assessment as well, not  
21 just the lividity.

22 Q Was Officer Fornshill the only Park Police

- 1 officer with you when you first discovered the body?
- 2 A Yes.
- 3 Q How long were just you, the three of you there?
- 4 A Time wise? You lose track of time during those
- 5 incidents. I can only guess.
- 6 Q Sure, your estimate.
- 7 A Maybe five to ten minutes maybe, when the next
- 8 officer came up.
- 9 Q Do you remember the name of that officer?
- 10 A I could picture his face, a younger, Park Police
- 11 officer, dark hair. That's all I can think of.
- 12 Q Do you remember what you talked about with
- 13 Officer Fornshill during that however long you were there,
- 14 just the three of you?
- 15 A Just our findings, you know, we found a dead body
- 16 and you see a gun, possible suicide, that's about it.
- 17 Q Do you remember who the first person was that
- 18 said the word suicide?
- 19 A No, I don't.
- 20 Q Do you remember whether you talked about other
- 21 possible causes of death?
- 22 A No.
- 

- 1 Q Were you all in general agreement that it was a
- 2 suicide?
- 3 A You have to understand when you say it's
- 4 possible, it's almost like filling a void in our report,
- 5 filling in a category in our department to describe the
- 6 incident. It does not mean it's concretely; it just means
- 7 it's a possible situation that may occur to our best
- 8 knowledge. We can describe the situation in this category.
- 9 Q What might be some things that would cause that
- 10 preliminary determination to change?
- 11 A I guess finding a scene that's unfamiliar or
- 12 different than what you're accustomed to finding. It does
- 13 not usually fit a normal call, not a normal call, but back
- 14 to this word "usual" call, a suicide or something.
- 15 Q Actually, I've got some other articles here we
- 16 can talk about but, one, you've been quoted as saying that
- 17 you noticed some peculiar aspects to the scene. Did
- 18 anything strike you as peculiar or unusual about the scene?
- 19 A The fact that he was straight, laid out straight,
- 20 yes. That's peculiar.
- 21 Q Have you ever seen a body in that position as a
- 22 suicide?

1 A No.

2 Q Have you ever seen a body in that situation in  
3 any gunshot death situation?

4 A No.

5 When you say suicide, back up; by what?

6 Q Suicide in any situation where you've responded  
7 that has been a suicide by whatever means?

8 A Not in the same fashion, maybe close to the same  
9 fashion, but not tucked, well, not tucked but --

10 Q Just so the record is clear, can you describe  
11 exactly what gesture you're making? I guess you're  
12 describing how you saw that?

13 A Yes. I'm trying to describe the appearance of  
14 the body when it was lying on the ground, and I say tucked.  
15 The hands weren't underneath the legs or the pelvis area,  
16 but they were beside, excuse me, the arms were beside and  
17 the hand was beside the legs, right against the legs.

18 Q Palms up or palms down?

19 A Palms down, because I could not see the complete  
20 gun. I could only see the revolver.

21 Q When you saw the body, did the hand appear to be  
22 clenched or did it appear to be open?

1 A The only part I saw was this right here, I saw  
2 right through this point between the thumb and the first  
3 finger; that's the area that I saw. That's where the  
4 revolver was.

5 Q Was any part of the gun underneath the body or  
6 obscured by the legs?

7 A Maybe by the hand, covered by the hand.

8 Q Do you remember being shown photographs by the  
9 FBI?

10 A Yes.

11 Q Do you remember what the position of the hands  
12 were in those photographs?

13 A Yes.

14 Q What were they?

15 A The hand position was left, the hand was straight  
16 beside the body on the left.

17 Q Palm up or palm down?

18 A Palm down.

19 Just like this being right here, just like this  
20 and the palm up on the right hand out from the body.

21 Q With the gun?

22 A I don't think there was a gun.

1 Q So you didn't see any picture that included a  
2 gun?

3 A No, just the fact of the position of the hand.

4 Q I think you were saying part of the gun might  
5 have been obscured by the leg?

6 A No, by the hand, the rest of the hand. I don't  
7 know because all I saw was a revolver between the thumb and  
8 the first finger, those two parts, that's all.

9 Q Were you there when the gun was removed from the  
10 body?

11 A No.

12 Q What was the relationship of the body to the  
13 larger surrounding area? You mentioned a cannon. Did you  
14 estimate or determine what the distances were regarding the  
15 area right around the body?

16 A This is in distances from what?

17 Q The cannon?

18 A I would go with the FBI statement from what I  
19 said there. I can't recall right now. I can't recall what  
20 I said back then, but to be accurate, I would follow those  
21 distances that I stated then.

22 Q Do you recall doing any assessment of the area

---

1 surrounding?

2 A Yes, I did. That's another thing that I did  
3 before I got there. The area was slightly -- I don't want  
4 to say slightly -- the area where the cannon is at is almost  
5 like a cul de sac. It's a slightly cylindrical area and the  
6 cannon is to one side. The cannon is concreted in the  
7 ground and then the hill is in the front of the cannon.

8 Right about that hill top with a slight decline  
9 is where we found the body, and there was as bunch of  
10 leaves, ground cover leaves under the body. And about shin  
11 high to knee high green ground cover, weeds or vines or  
12 whatever, and there was a trail.

13 After the foot, there was like a trail leading  
14 down towards the bottom of the hill.

15 Q Did you have to move any foliage or leaves to see  
16 the body?

17 A No. We walked around the foliage to assess the  
18 area, assess the body.

19 Q If you were standing in front of the cannon,  
20 could you see the body?

21 A No. I think you had to go to the mound. My  
22 focus was mainly on the body, it wasn't the cannon.

- 1 Q So you don't recall the particular distances  
2 involved?  
3 A There is a hill, there's a mound, a hill.  
4 Q Can you tell me what kind of angle the hill was  
5 on?  
6 A Descent, descending. His body was on a descent.  
7 Q Was it a steep hill?  
8 A In parts, it does become steep. This is only  
9 after seeing it with the FBI going back through there. The  
10 shrubbery had been knocked down, cleared earlier.  
11 Q When you saw it with the FBI?  
12 A Yes. With the FBI, the whole place was cleared  
13 out.  
14 Q I want to try to get at what you saw last year at  
15 this time.  
16 A I saw the body on a slight decline and that's the  
17 best I can describe. It was at the top or slightly past the  
18 top. I don't know.  
19 Q Was it fair to say it was pretty close to the  
20 top?  
21 A Yes.  
22 Q Do you recall any kind of debris or trash around

- 1 the area where the body was, the immediate area?  
2 A Just leaves.  
3 Q Did you see any bottles of any kind?  
4 A No, I did not recall any.  
5 Q Did you notice any black matter or gunpowder on  
6 the body?  
7 A I didn't.  
8 Q Can you describe any blood you saw on the body?  
9 A Yes. There was some about the face. There was  
10 blood on the right side of the body, the shirt area.  
11 Q Can you be a little more specific, where on the  
12 face or how much?  
13 A There wasn't that much on the face. There was  
14 some like I would say either a stream of blood, primarily  
15 blood around the lip and inside the mouth was the contained  
16 area of blood.  
17 And just on the right shoulder, it looked like  
18 the blood was under the shirt because it had stained through  
19 the white shirt.  
20 Q Could you tell if the blood had pooled under the  
21 shirt?  
22 A It was hard to say. It was just stained.

- 1 Q Did you see any wet blood on the shirt?  
2 A I just saw a stain, a blood stain.  
3 Q Can you estimate about how big it was on the  
4 shirt?  
5 A It can be deceiving. It was just in this area  
6 right in here, right about in this area of the clavicle  
7 area.  
8 Q You're indicating, did it go over to the actual  
9 arm area?  
10 A At first, I think -- I don't know if you have had  
11 a chance to see the pictures. Have you?  
12 I think the pictures describe it being a large  
13 area over here of blood saturation of the shirt area.  
14 Q Was the blood in that phase dry or what?  
15 A Dry.  
16 Q Did anyone ever tell you who took those pictures  
17 when you saw them with the FBI?  
18 A No. I asked those questions, but they didn't  
19 say.  
20 Q Did you see anyone taking pictures when you were  
21 at the scene?  
22 A No.
- 

- 1 Q How good were the quality of the pictures that  
2 you were shown?  
3 A They were polaroids.  
4 Q Dark, light?  
5 A You can tell what the surroundings are. You can  
6 tell the body. You didn't have any problem describing the  
7 color shirt or pants.  
8 Q So they were fairly clear?  
9 A Yes. You were able to make judgments, I think.  
10 Q Did you feel you had to sort of study them to  
11 figure out what they were?  
12 A Sure. The area, I think by that time, by the  
13 time they got the pictures, it was dark, sunset, so the  
14 surrounding area was a little dark, but other than that, we  
15 were able to tell a little bit.  
16 Q Do you remember about how many photographs you  
17 were shown?  
18 A There's two different sets. One was the scene,  
19 one was the autopsy, the first site of the scene, I think  
20 maybe three or four.  
21 Q But you don't recall being shown any 35  
22 millimeter prints of anything?



1 A No. Only the autopsy. I think those may be the  
2 35 millimeter.

3 Q I'd like to actually go through some of your  
4 report with you, if I could.

5 Can I get actually the whole set?  
6 (Handing documents to counsel.)

7 MR. DARMER: We'll have the Court Reporter mark  
8 these. Just mark each of them separately.

9 (The documents referred to were  
10 marked for identification,  
11 respectively, as Deposition  
12 Exhibits Numbers 8 through 15.)

13 BY MR. DARMER:

14 Q Maybe you can just describe those and tell me if  
15 they belong together or if each is a separate, independent  
16 document.

17 A This is entitled "event history header record,"  
18 which may indicate --

19 MR. DARMER: Why don't we just have the Court  
20 Reporter mark each page, and you can just walk through and  
21 describe what it is on the record, how about that?

22 THE WITNESS: Sure.

1 BY MR. DARMER:

2 Q Officer, while he's doing that, can you just  
3 describe what each document is, whether you created it or  
4 punched in the data?

5 A This first statement ten is made in the record  
6 statement from PSCC.

7 Q What is PSCC?

8 A Public Safety Communications Center. I'm not  
9 familiar with this report here. I can interpret some of it.

10 Q That's all right. I'm just interested in  
11 anything that you did.

12 A I did not perform this. This is probably a  
13 computerized report.

14 Q Okay.

15 A Exhibit Eleven, is event history dispatch  
16 records. This basically gives you an entire entry of  
17 commands and/or functions that have been used in the event,  
18 the event specific to the above event number identifies this  
19 one as 14E3, which is the second event for the same  
20 incident.

21 Q What does that mean?

22 A The second event meaning in this particular event

1 that took place, this is removal of the body.

2 Q Which was done by another unit, not by yours?

3 A Right, Ambulance One.

4 Q So the index of codes on that page doesn't relate  
5 to what your relief unit did?

6 A No.

7 The unit or the event history number that we  
8 responded on -- let me look at the numbers here -- 1315 and  
9 anything with regard to that and under unit number M01 would  
10 identify my specific responsibility for work completion.

11 Q And that's not --

12 A This is just another computerized summary report  
13 of the old event activity.

14 Q Go on to the next one.

15 (Pause.)

16 A Again, this is an EMS incident report, the  
17 incident number is 1483. This report was completed by Corey  
18 Ashford. This is the ambulance and this is the removal of  
19 the body from Fort Marcy Park.

20 This is a suppression incident report, incident  
21 number 1315. Note that all these records I'm speaking of  
22 are Julian dated 93201. That's part of the incident number.

---

1 It just identifies the day it occurred on.

2 And the 1350 in the last four numbers is what  
3 they define as the specific incident.

4 Q Which is just computer generated?

5 A Exactly. This one is a suppression incident  
6 report completed by Truck One. That was basically they were  
7 called to the scene to assist on the removal of the body  
8 from Fort Marcy Park.

9 Exhibit which one?

10 Q Thirteen. Have you looked at the second page,  
11 the second page part of it?

12 A It's the narrative. That's the narrative report  
13 that's completed by the officer of the unit.

14 Q Can you identify who that might have been?

15 A I'd have to look at the papers to determine the  
16 number. I'm guessing right now it's probably Lt. Bianchi.

17 Q Who would have been the officer in charge of the  
18 truck unit?

19 A Right.

20 It's not Jay Iacone because he's officer of the  
21 ambulance so it would have been Lt. Bianchi that day.

22 Q Okay.

1 A Exhibit 14 describes the unit history in this  
2 period from July 20th to July 21st and tells basically what  
3 the unit did for the entire day, a 24-hour period.

4 Q So that reflects all the calls?

5 A Every call responded to on that day.

6 Q Is there any description of the call, or is it  
7 just purely a list of the calls?

8 A It's going to be a list, a generalization of the  
9 entire call and activities performed before, during, and  
10 after the calls.

11 Q Can you identify the entries that relate to the  
12 events at Fort Marcy Park?

13 A On the second page of this printout, midway  
14 through, around the command time of 19:45, a code four  
15 dispatch to George Washington Memorial Parkway for Ambulance  
16 One. It will give you the information as to their route  
17 time, on the scene time, and the transportation destination  
18 and time.

19 Q But there's no other information concerning what  
20 happened, for example?

21 A It doesn't say.

22 Q Or look at what the codes were?

1 A No.

2 Only the report of Ambulance One would give you  
3 some other information and that was a prior.

4 Q Right.

5 A Unit history printout. This is for Truck One.  
6 This is the same activity events for the entire 24-hour  
7 period of Truck One. And it will describe also their Code  
8 four transport from George Washington Memorial Parkway. No  
9 specifics on the event.

10 Q Going back to Exhibit Two, I'd like you to go  
11 back to the fifth entry from the last. It says obvious 1061  
12 suicide with gun.

13 Again, who was responsible for entering that  
14 data?

15 A That data right there was entered by me.

16 Q When was that entered?

17 A At 18:36 and 46 seconds.

18 Q So that was while you were at the scene?

19 A Right, in the parking lot at the unit.

20 Q You were in the parking lot?

21 A In the parking lot inside the unit typing.

22 Q Did you talk to anyone about what you'd just seen

1 before you typed that in?

2 A Did I talk to anybody? The police officers.

3 Q Do you remember who you talked to besides Officer  
4 Fornshill?

5 A There were so many Park Police. There was a  
6 female blonde. That's all I can say. I don't know names.

7 Q Are you talking about up in the parking lot now?

8 A In the parking lot, right.

9 Q Did any Park Police seek you out and try to talk  
10 to you?

11 A No.

12 Q Did they ask you specifically what you saw?

13 A No.

14 Q They didn't ask you if you thought or agreed it  
15 was a suicide?

16 A No.

17 Q So you keyed that in in the parking lot. You  
18 just keyed it in and that was it?

19 Did you do anything more with that?

20 A I don't know what you're trying to ask.

21 Q I'm trying to ask why do you make that sort of  
22 small, why do you make that kind of report at that point in

---

1 the incident?

2 A Because, not this particular, my frequency of  
3 calls is greater than this unit where I'm stationed at, and  
4 I don't have a chance to catch up on reports the same day.  
5 And in order for me to recall some information about the  
6 incident, I jot these notes down so that I can go back and  
7 say, okay, now it jogs my memory about what I saw. I can  
8 recall a little bit more than just going from the top of my  
9 head, and complete my report.

10 It's a practice.

11 Q So it's not SOP that you have to submit that kind  
12 of on-scene mini-report?

13 A No.

14 It's just a practice I performed.

15 Q Would anyone else ordinarily read that?

16 A The only people who would read that may be the  
17 dispatchers who dispatched me may follow up. It depends on  
18 who accesses my unit history. The only people who can  
19 access my unit history are from the department, and  
20 determine what I said or wrote.

21 Q What's the SOP for the time in which you should  
22 file your final report?

1 A Within a month, one month.  
2 Q What do you generally average?  
3 A Back then, or now?  
4 Q Then.  
5 A I think back then it was a day or two. A day, I  
6 should say.  
7 Q And you did this the same day?  
8 A That night.  
9 That day, I didn't run over the incident for the  
10 whole medic, that day they were real busy, not only in  
11 McLean but we were in Chantilly, Herndon, Centerville,  
12 everywhere, all over the county, so we were a little bit  
13 busy that day.  
14 (Handing document to witness.)  
15 BY MR. DARMER:  
16 Q Looking at Exhibit Four to your report and the  
17 narrative, is there any SOP for what you would ordinarily be  
18 required to include in the narrative section?  
19 A It's a standard practice that we provide a  
20 narrative to our best ability to describe the scene and  
21 situation at the scene, whether findings at the scene or the  
22 body or surrounding areas that helped the incident or

---

1 whatever event occurred.  
2 Q Is that because those are sometimes made  
3 available to law enforcement agencies?  
4 A Say that again?  
5 Q Is that because they are sometimes made available  
6 to be used by law enforcement agencies?  
7 A And attorneys.  
8 Q In civil cases, you mean?  
9 A Right.  
10 Q I note that in the narrative, there's a fair  
11 amount of description of the area, the approach, the parking  
12 lot, the cars.  
13 A Right.  
14 Because about the time we were getting onto the  
15 parkway, I just had an instinct that something wasn't right.  
16 I just had a feeling. I don't know. After working a few  
17 years, you become familiar with calls and you begin to have  
18 an instinctive feeling about certain calls, whether they'll  
19 go bad, whether something's going on wrong, whether  
20 something's going to happen wrong.  
21 Q When you say wrong, do you mean wrong because --  
22 what do you mean by wrong?

1 (Pause.)

2 A I don't mean wrong. I mean -- how can I best  
3 describe it.

4 (Pause.)

5 I think you're using my word literally.

6 Q Whatever you meant, you said you were on your  
7 way, you thought, when you were on your way to the park, I  
8 think that you thought something might be wrong.

9 What did you mean by it?

10 A I don't mean wrong. Like I said before, an  
11 instinctive feeling.

12 Q Do you mean peculiar?

13 A Instinctive feelings, instinct and just your  
14 feelings when you go on a certain call. That's how I can  
15 best describe it, my feelings.

16 Q When did you realize or learn that this involved  
17 a high profile individual?

18 A Late in the evening, after they picked up the  
19 body.

20 Q Were you there when they picked up the body?

21 A No.

22 Q So the entire time you were at Fort Marcy Park,

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1 you didn't realize that it was --

2 A No.

3 Q Did your report indicate seeing the victim's car  
4 in the parking lot?

5 A I don't remember if I stated that. I may have  
6 stated that. I'm not too sure. I'd have to read it again.

7 Yes, I said a brown Honda with Arkansas tags and  
8 a white Nissan with Maryland tags.

9 Q At some point, when you were in the parking lot,  
10 did you determine which of the cars was the car?

11 A Yes, the Honda was the victim's vehicle.

12 Q Did the fact that it had Arkansas plates mean  
13 anything to you?

14 A No. The fact that the suit was, the other half  
15 of the suit was in the car lent to the determination whose  
16 car it was.

17 Q Were you there when the car was entered by the  
18 Park Police?

19 A No.

20 Q So you don't recall any discovery of  
21 identification?

22 A Specifics? No.

1 All I had was a visual from the outside windows  
2 looking in.

3 Q Do you recall what you saw in the car besides the  
4 suit jacket?

5 A I can't say if I saw a briefcase or papers. I  
6 can't correctly say whether I saw it or not.

7 Q You don't remember talking about what was in the  
8 car with anyone?

9 A No.

10 I think the tie was in there and the jacket was  
11 in there. That's what I remember. That's all I can really  
12 remember.

13 Q Was there any speculation in the parking lot  
14 about what the Arkansas tags might mean, or whether that  
15 might imply someone who worked in government?

16 A Yes. I mean, you know, one of those just aloof  
17 comments, you know, because of the fact that the President  
18 is from Arkansas. This happens to be an Arkansas plate,  
19 jokingly.

20 Q So some people at the scene might have been  
21 making some assumptions about the car?

22 A Yes.

---

1 Q Do you recall whether you told the FBI what you  
2 recalled seeing in the car?

3 A You'll have to repeat that.

4 Q In your FBI interview, you'll recall that there  
5 was a necktie, a suit coat, and a paper attache case in the  
6 car.

7 Do you remember that?

8 A I'll have to go with that statement because, as  
9 time goes on, I remember less and less.

10 Q But at the time you made the statement, that's  
11 what you remembered?

12 A Yes, I did.

13 Q Do you remember discussing the fact that there  
14 might have been a bag in the car with anyone? Did you  
15 mention it to anyone?

16 A No.

17 Q No one tried to get you to try to open the car or  
18 go into the car?

19 A I think someone tried to open the car. I don't  
20 know whether it was unlocked or locked. I think it was  
21 locked.

22 Q It was locked?

1 A I'd be guessing.

2 Q Do you remember if the Park Police asked you to  
3 do that?

4 A They were around us. I think we were sort of  
5 assisting in the initial sizeup as to who's what and what's  
6 where.

7 Q But you don't remember going into the car?

8 A No.

9 Q Did you ever file any supplemental report to that  
10 report or to any part of that computer report?

11 A I don't recall other than the second pages, third  
12 pages. That's all.

13 Q Is it SOP to file supplemental reports in any  
14 cases?

15 A When you say supplemental, each one of these is  
16 supplemental.

17 Q I mean, I assume, did you do all of those pages  
18 on the same day?

19 A Yes.

20 There was no additional additions, supplements to  
21 my narrative.

22 Q If you had thought of something a couple of weeks

---

1 later, could you have filed one?

2 A Sure. There's nothing wrong with doing that.

3 Q When you realized or learned that it was a senior  
4 White House official, could you have written a supplemental  
5 report containing other things you might remember?

6 A I think I wrote it to my best ability and what  
7 you see in black and white is the best description I can  
8 give.

9 Q Is there any SOP for handling cases involving  
10 high profile government employees?

11 You don't do anything differently?

12 A No.

13 There's no difference as to our reports. There  
14 may be some notification if they're aware of it to notify  
15 our PSCC, but other than that, there's no different  
16 statements.

17 Q Again, PSCC is?

18 A Public Safety Communications Center, which is  
19 just a police and fire dispatch center.

20 Q For the county?

21 A For the county.

22 Q Maybe you said it earlier, but what's SOP for



1 handling media inquiries? I'm talking before the events?

2 A Refer to our public affairs office for further  
3 questions.

4 Q Have you been involved in high profile cases  
5 before, media cases?

6 A Not as large as this, no.

7 Q Have you ever -- I'm sorry.

8 A Maybe some smaller ones, I've been called to  
9 court.

10 Q Have you ever been involved in a case where  
11 you've been getting calls directly from reporters?

12 A Other than this one, no.

13 Q Have you ever been quoted in the newspaper in  
14 cases other than this one?

15 A Yes.

16 Q About how many times?

17 A A handful, five times, something like that, local  
18 newspapers.

19 Q Any other time you've been quoted in national  
20 periodicals or newspapers because of a case you're involved  
21 in?

22 A No.

---

1 Q You mentioned that, is it Kathy Simmons, she is  
2 head of the department's media relations?

3 A Yes.

4 Public affairs and/or, the division is called  
5 Life Safety Education.

6 Q And they handle requests?

7 A Right. Their responsibility is the public  
8 information officer.

9 Q Did you testify that she told you it was okay to  
10 talk to the press?

11 A No. Actually it was authorized by her down to  
12 Lt. Collier who specifically gave me the instructions to  
13 meet with the reporter and cleared to interview with this  
14 individual.

15 Q When was that, when was the time frame?

16 A A few days prior. I know he tried to get a hold  
17 of me and I just put him off, and it may have been two or  
18 three days after.

19 We finally got to him on that.

20 Q Is that something you wanted to do?

21 A I thought about it. I just did it because I was  
22 ordered to do it, because the request came from an outside

1 agency. Other than that, I wouldn't have volunteered.

2 Q Did you think it was strange that you were asked  
3 to talk to the press?

4 A After the fact, no. After knowing who it was and  
5 what had transpired, no, I don't think it was unusual. We  
6 get people coming to the door, we get attorneys coming to  
7 the door every day, telephone calls at least once a week  
8 from attorneys wanting to know about the calls.

9 Q Did you look at any materials before you talked  
10 to, had the conversation with the press person?

11 A No.

12 Q Was Ms. Simmons present?

13 A No.

14 Q Was anyone present?

15 A No.

16 Q Did you report back to her afterwards?

17 A Just to advise that I had had the interview.

18 Q Did she preapprove your interviews with Mr. Ruddy  
19 later on in the year? Or is that the one you're talking  
20 about?

21 A When you say interviews, there's only been one  
22 face to face and a follow up telephone discussion, and then

---

1 after that, it was cut off; no discussion whatsoever.

2 Q I guess my question is, did Ms. Simmons or that  
3 office have to approve both the telephone interview and the  
4 face to face in advance?

5 A Yes, they had to. The telephone one, I don't  
6 know. That may have come after. That could have been on  
7 the first order, the first order being from the face to face  
8 interview.

9 Q When you got the order to talk to the media, did  
10 it order you to do so for a certain period of time, or was  
11 it limited to one interview?

12 A Until otherwise told differently.

13 Q When were you subsequently told not to talk to  
14 the press anymore?

15 A I don't know the date specifically. It would  
16 probably be some time after the news conference.

17 Q Which news conference are you talking about?

18 A The one that was cancelled.

19 Q What day was that supposed to take place on?

20 A I don't know.

21 Q Officer, you've been quoted in the Boston Globe  
22 as stating that this case was unlike any you've observed in

1 20 years.

2 Do you recall making that statement?

3 A The Boston Globe? The Boston Globe called the  
4 station, but I never offered opinions and/or comments about  
5 the incident.

6 Q Do you recall making any comments on the record  
7 to any media organization, other than the conversations  
8 you've had with Mr. Ruddy of the Post?

9 A No.

10 Q But are you aware that your name has been quoted  
11 in a number of newspaper articles?

12 A Only the New York Post, the Washington Post, the  
13 Washington Times. That's all I'm aware of.

14 (Pause.)

15 Q I'm going to hand you an article that was taken  
16 off of Nexus, which is an on-line database that contains  
17 newspaper and periodicals.

18 You want to take a look at that?

19 (Handing document to witness.)

20 BY MR. DARMER:

21 Q I've tabbed the page where your name is  
22 mentioned.

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1 (Pause.)

2 Did you have a chance to read it over?

3 A Yes.

4 Q Do you see where your name is quoted?

5 A Yes.

6 Q Do you recall making a statement or being quoted  
7 in that newspaper?

8 A Which newspaper is this?

9 Q The one you're looking at, the Boston Globe? I'm  
10 sorry, the Washington Post? I'm referring --

11 A No. I never spoke to anybody from the Washington  
12 Post.

13 Q Is it fair to say then that the only media  
14 contact you've ever had was with Mr. Ruddy of the Post?

15 A Right.

16 Q And while your name and your quotations may have  
17 been used in other newspapers or periodicals, you did not  
18 directly speak to any of those?

19 A No, I did not offer any information.

20 Q Did you ever see any of those articles?

21 A The only ones I saw were the New York Times, the  
22 New York Post, and the Washington Post.

1 MR. IVEY: Did we mark this?

2 MR. DARMER: Let's go ahead and mark it.

3 (The document referred to was  
4 marked for identification as  
5 Deposition Exhibit Number 16.)

6 BY MR. DARMER:

7 Q In the Ruddy article in the Post of January 27, I  
8 think it's the carryover the second page, there's a  
9 paragraph that says Gonzalez and a law enforcement official  
10 described the gun as clean. It's about the third paragraph  
11 from the bottom in the second column.

12 A I don't know what he's --

13 Q Do you recall making that statement or discussing  
14 the gun with him that way?

15 A No.

16 The gun is clean? I don't know. I don't  
17 understand in what context he's trying to describe. As far  
18 as the actual cleanliness of the gun, I didn't see any. I  
19 couldn't even make that judgment.

20 Q Do you recall discussing the gun in any way with  
21 Mr. Ruddy?

22 A Just as I described to you earlier. I found the

---

1 gun and the only part of the gun that I could see was the  
2 revolver and that was between his thumb and his first  
3 finger.

4 Q Did you study the gun for any other kind?

5 A No, I just looked at the gun at a glance as my  
6 visual approach assessment, standing on the right side of  
7 the body looking at the head, and on down.

8 Q So you don't know if there was any blood or  
9 blowback or tissue on the gun?

10 A No.

11 Q When you were doing an assessment of the area,  
12 did you notice any disturbance in the ground of the soil?  
13 Did the soil appear to be --

14 A I didn't notice anything, nor did I suspect. The  
15 only thing that I mentioned earlier was the trail leading  
16 down to the bottom of the hill. Whether it was a trail that  
17 was existing from the Fort, or whether it was a new one, I'm  
18 not sure.

19 Q When you say a trail, do you mean, you mean the  
20 dirt trail?

21 A It was more ground cover. It was narrow, a  
22 footpath.

1 Q I have a question about the vehicle again. I'm  
2 not clear.  
3 Who was actually with you when you were in front  
4 of the vehicle and working on it before you left?  
5 A To go up to the scene?  
6 Q No, in the parking lot before you left the scene?  
7 A The victim scene or the victim's vehicle?  
8 Q Exactly.  
9 A I would say the entire unit, as well as the other  
10 people, Engine One and the Medic One crew were around the  
11 car.  
12 Q Do you recall who, if anyone else, in the unit  
13 might have tried to get into the car or open the car?  
14 A I know one may have tried but I don't know if  
15 they made a successful attempt.  
16 Q Do you remember who that was?  
17 A I don't.  
18 Q Do you remember who might have asked you or who  
19 did ask you to try to open the car?  
20 A For me?  
21 Q Did anyone ask you to try to see if the car was  
22 open?

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1 A Did anybody ask me if the car was open?  
2 Q Right.  
3 A No. They were trying themselves. No one asked  
4 me; they just went ahead.  
5 Q Did you try to open the car?  
6 A I don't remember. I don't think I did. I was  
7 just looking around.  
8 Q Do you remember if anyone else in your unit or  
9 anyone from your department tried to open the car?  
10 A They may have lifted the lever, lifted the  
11 handle, that's about all, but I don't know who specifically.  
12 (Pause.)  
13 MR. DARMER: Just give me one minute, officer,  
14 and I'll see how many more questions we have.  
15 THE WITNESS: Sure.  
16 (Pause.)  
17 MR. DARMER: Could we have this marked as  
18 whatever the next number is?  
19 (The document referred to was  
20 marked for identification as  
21 Deposition Exhibit Number 17.)  
22 (Handing document to witness.)

1 BY MR. DARMER:

2 Q Officer, would you take a look at what's been  
3 marked as Exhibit 17?

4 A This is a special report on Robert Fiske  
5 investigation supplied by Christopher Ruddy.

6 Q Have you ever seen it before?

7 A No.

8 Q Can you flip through it and tell me if you  
9 recognize any parts of it?

10 Have you seen any of it before?

11 (Pause.)

12 A I haven't seen anything of this.

13 Q Have you had any correspondence with Mr. Ruddy at  
14 all since January of this year?

15 A No.

16 Is it possible for me to get a copy of this?

17 Q At some point, I assume if the proceedings are  
18 completed. I'm not asking you to read it. I just want to  
19 know if you've ever seen it before.

20 A No.

21 Q Officer, there's been some question about which  
22 cannon the body was found near in the Fort Marcy Park.

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1 Can you describe what cannon you think the body

2 --

3 A Who's bringing that question up to you?

4 Q People have raised the issue.

5 Do you have --

6 A People being who?

7 Q It doesn't matter who it is.

8 A To me it does. Because it's a funny thing that  
9 you mention that and the same thing was said at my front  
10 door.

11 Q Is that what was said in the conversation?

12 A Yes.

13 Q Can you tell me more about what was said at your  
14 front door?

15 A I can't because I told you I wasn't in the  
16 discussion. The discussion was with my father and my wife.

17 Q Did they recount the specifics?

18 A Exactly what you just talked about.

19 Q What exactly did they say?

20 (Discussion off the record.)

21 BY MR. DARMER:

22 Q Officer, would you please describe again exactly

1 what the person, would you describe the circumstances of the  
2 person arriving at your house, that you described earlier in  
3 this deposition, with a message for you?

4 What happened, in as much detail as you can?

5 A As I stated earlier, that's the best that I can  
6 state it. The additional information you'd have to get from  
7 the FBI which took I guess a report from my father and my  
8 wife after what occurred.

9 Q Did you call the FBI?

10 A I notified them of the situation.

11 Q Directly?

12 A Yes.

13 Q Before you called anyone from your department?

14 A I had notified the department first, and the  
15 county police and then the FBI.

16 Q Did anyone tell you to notify the FBI?

17 A Did anybody tell you?

18 Q Did anyone in the county tell you to notify the  
19 FBI, or did you just take it upon yourself to notify the  
20 FBI?

21 A That was a recommended next step.

22 MR. DARMER: Can we take a quick break?

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1 (Recess.)

2 MR. DARMER: Back on the record.

3 BY MR. DARMER:

4 Q Would you please describe for me again, in as  
5 much detail as you can recall, the events of I guess it was  
6 last Saturday concerning a visitor to your home?

7 A It was Sunday, I think, the 17th. I was  
8 celebrating my son's birthday. And after we had the  
9 function, we returned home to continue the celebration with  
10 the family. I was inside bringing some stuff in. My wife  
11 followed behind me, and was approached by a gentleman who  
12 described himself.

13 He said his name to my wife. My wife didn't  
14 catch it, but I need to pass some information on to me. She  
15 asked what kind of information, what kind of package or do  
16 you have a package in your hand. He said, I need to speak  
17 to him. She said come back in a couple of hours.

18 A couple of hours passed, he came around. The  
19 festivities were still going on. My wife went out to greet  
20 him. My father followed a few minutes later.

21 They had a discussion. His intentions were to  
22 tell me that my life was in danger, that he's here to pass

1 the message on, that I had told a lie about what I said to  
2 Chris Ruddy as to the location of the body.

3 That he said that I told him it was the first  
4 cannon, and some other discrepancies about the report or  
5 interview.

6 I didn't mean the report, I meant the interview.

7 The conversation continued. I guess it got a  
8 little heated between my father and him to determine what  
9 his actions were, whether his words were of an immediate  
10 threat or a message to be sent of a threatening situation.

11 That was the interpretation that his message was  
12 transpired the conversation. Towards the end of the  
13 conversation, I was inside the house and knew that he was  
14 outside, and the conversation came up well, take this guy's  
15 picture so we get some identification.

16 So another part of the family opened the door and  
17 took a picture of him and he ran off like a rabbit.

18 Q Did the picture come out?

19 A The picture is developed.

20 Q Did you turn that over to the authorities?

21 A I have been able to because I haven't seen the  
22 development process.

1 Q What did you do after the person ran off?

2 A I went back to the room and discussed with my  
3 father what this guy had to say.

4 We discussed what he said in generality. I got  
5 on the phone immediately to try to contact my public affairs  
6 -- excuse me -- public information officer. I'd tried  
7 contacting them earlier. I made one contact to our PSCC and  
8 asked them to give me a call priority one, which means  
9 urgent call. That was on the first visit.

10 He came around the second time, I called them  
11 again. He said page her again, and he would call me, and  
12 then got a return call the first time.

13 And I got a call, told her the situation. She  
14 said she'd get back to me.

15 I told her who came here, what his purpose was,  
16 what his message was and that she would, one, try to call  
17 his number, which we figured wouldn't be answered on Sunday.  
18 But would get with the chief of the department to determine  
19 what next steps to make.

20 She in turn called and the steps were to file a  
21 report with the county police. That was followed through  
22 that night. And after, the police recommendation was to



1 follow them with the FBI. They gave me their words of  
2 wisdom and suggestions.

3 That night, I contacted FBI headquarters here in  
4 D.C. and spoke to a supervisor and got in contact finally  
5 with Dana Gillis, who's the FBI agent on this case on the  
6 afternoon the next day.

7 Q Was that one of the agents you met with when you  
8 were interviewed by the FBI?

9 A Yes.

10 Q Had you asked for that person by name when you  
11 called the FBI?

12 A I actually got his supervisor, and then in the  
13 morning, his supervisor said he would pass the message on to  
14 Dana. I didn't get any calls back so I contacted them back  
15 and they finally gave me a number where I could reach him.

16 I reached him, and it was about the afternoon  
17 before I got in contact with him.

18 (Discussion off the record.)

19 BY MR. DARMER:

20 Q What was the time between which you first called  
21 the FBI and when you got a response back when they called  
22 you back?

1 A I called them that night.

2 Q The night of the event?

3 A Right.

4 Then they were going to send a message via  
5 courier. They said it wouldn't get there until late morning  
6 to the Tyson's Corner bureau. That's where his headquarters  
7 are.

8 I called them to confirm that they received, or  
9 just called them to find out if he was there. A David  
10 Bueis, that's his supervisor, to contact them about the  
11 message to find out if David was the actual guy that I'd  
12 talked to because I could not remember. I just couldn't  
13 remember his name.

14 He finally told me it was Dana, so they said he'd  
15 leave a message with him for him to get back with me. I  
16 didn't get an answer back so I called back and then finally  
17 got Dana.

18 Q Did you speak with him on the phone, or did you  
19 meet with him in person?

20 A I spoke with him on the phone.

21 Q What was the --

22 A I described to him the situation and told him he

1 would need to speak with -- I told him who was here, what  
2 had happened, just like I told you a few minutes ago, and  
3 he'd have to speak to my father or my wife for their  
4 deposition.

5 Q Their version of events?

6 A Right.

7 Q Did he do so?

8 A Oh, yes.

9 Q Did he talk to them?

10 A Oh, yes, and he made a report and then followed  
11 through that day. And from what I understand, he contacted  
12 the person that came to my front door and tried to determine  
13 what his actions were intended for.

14 From what he stated to Dana, this is the word  
15 from Dana, Dana said that he said that he told us that I  
16 would be committing perjury if I lied. That's what he told  
17 Dana. That's not what was mentioned.

18 Q How did you get the name? How did you come up  
19 with the name of this person?

20 A I think he offered a card.

21 Q To your mother?

22 A To my wife.

1 Q So the FBI directly talked to this person?

2 A Yes.

3 Q When he referred to somehow perjury or lying,  
4 what exactly was the issue?

5 A I think it was with regard to the cannon. That I  
6 had said it was the first cannon, some discussion of the  
7 first cannon.

8 Q When you say the word, first cannon, which cannon  
9 do you mean?

10 A In the park with two cannons, the first one is  
11 the first one you come up to. The second one is the  
12 following one, the one past the first one.

13 Q Further away from the parking lot?

14 A Right.

15 Q Which cannon was closer to the body, Vincent  
16 Foster's body, that you saw?

17 A The second cannon.

18 Q Did you say that to the FBI in your interview  
19 with them in March?

20 A Yes.

21 Q Have you ever --

22 A Changed my story?

1 Q Have you ever stated that the body was found  
2 nearer?

3 A I stated to both the reporter and the FBI that I  
4 made a secondary search after Todd and the police officer  
5 when to the first cannon to thoroughly search that area  
6 because there was high brush. We had to make sure there  
7 were no bodies in there.

8 Q That was part of your assessment of the scene?

9 A Yes.

10 Q Is the first cannon within visible distance of  
11 the second cannon?

12 A No.

13 Q Did you mention anything about this first cannon  
14 in your interview with Mr. Ruddy?

15 A As I did just now, described it.

16 Q Was there any indication on the card that the  
17 person provided to your wife or your father about any  
18 information about the individual, was it just a name and a  
19 phone number?

20 A Oh, yes. It was a business, the name of a  
21 business.

22 Q Do you remember what it was?

1 A IVHS. Intelligent Vehicle Highway Society of  
2 America.

3 Q Do you have any idea what that means?

4 A As much as she got out of it, that's as much as  
5 we got out of it. It was a laugh, probably some kook.

6 Q One more time?

7 A IVHS, Intelligent Vehicle Highway Society of  
8 America.

9 Q Was there any area code or phone number on it?

10 A Yes. There was a Washington number.

11 Q D.C. 202?

12 A 400 Virginia Avenue.

13 Q And you turned that card over to the FBI?

14 A I turned a number of information over. I turned  
15 the card over.

16 Q Is the FBI aware that you took a photograph?

17 A Yes.

18 Q Have you had any other odd phone calls or visits  
19 since then?

20 A No. Prior to it, but not since then.

21 Q You did prior?

22 A My wife had a call of a similar nature and

1 discussion as to threatening that they were going to put  
2 something in, they were going to publish something stating  
3 that I lied and all this stuff and this was a week and a  
4 half prior to this date before we left on vacation.

5 Q Was that a phone call?

6 A Yes.

7 My wife didn't take any notes down as to who it  
8 was. She said some Reed or some guy Reed?

9 Q Reed?

10 A Whether it could be Ruddy or Reed, she didn't  
11 write it down. I kept good records but this one call we  
12 didn't because it was the day before we were leaving.

13 Q But it was a male voice. Did you tell that, did  
14 you describe that incident to anyone after it happened?

15 A Not immediately, no.

16 Q You didn't think you should call your superior  
17 officer or anyone in the department?

18 A No, because -- no.

19 Q Why not?

20 A If they wanted to write anything about me,  
21 there's nothing I can do.

22 Q You didn't feel there was anything about it that

---

1 was dangerous or threatening?

2 A Other than they were going to say that I lied and  
3 all that kind of stuff.

4 I just didn't consider it.

5 Q Was anything said on that call about this first  
6 cannon thing?

7 A I don't recall exactly. My wife would be a  
8 better one to ask that.

9 Q Did you keep tabs on the status of the Park  
10 Police investigation of the death after you were involved?

11 A What do you mean?

12 Q Did you read about it, keep an interest in it,  
13 call people up to find out what was going on with it?

14 A No.

15 Q So you didn't know, for example, when the  
16 investigation was closed?

17 A No.

18 Q Do you have any thoughts or views about the Park  
19 Police investigation of the death?

20 MR. BOBZIEN: I'm going to object to form on that  
21 one. Go ahead and answer.

22 THE WITNESS: No opinion.

1 BY MR. DARMER:

2 Q Do you think the death was a suicide?

3 A I'm not the judge.

4 Q Do you think the death was a suicide?

5 A I can only suspect with the findings that I had  
6 there that it could have been a possible suicide, or to best  
7 describe the situation, what I found as such.

8 Q Is there anything about this situation or this  
9 case that gives you concern or makes you feel it's different  
10 than other suicide cases?

11 A That's a pretty broad question.

12 Q You can answer it.

13 A Can you ask me again?

14 Q Sure.

15 Let me ask you this.

16 Do you have any concerns that this case was not a  
17 suicide case?

18 A No.

19 Q Do you have any misgivings or feelings that  
20 somehow the investigation was not complete?

21 A I wouldn't have any basis to have any thought of  
22 that.

1 Q Was there anything about the scene in Fort Marcy  
2 Park that was unique, unusual, stood out in your mind?

3 A The way I found the position of the body,  
4 different than a normal suicide, yes.

5 Q Anything else?

6 A The position of the body, the trauma to the body.

7 Q What do you mean by that?

8 A Trauma means that the damage, broken bones,  
9 deformities, open fractures, stuff like that. I'm trying to  
10 be general to the word trauma.

11 There was no large traumatic visually seeing when  
12 you approached the body, just the fact that it was a dead  
13 body. There was some blood here, the mouth was open, the  
14 eyes were slightly open. And there were flies about the  
15 mouth and it was pale and obviously dead.

16 Q Is there anything else about the scene that  
17 strikes you as unusual or unique?

18 A As I stated before, just the position of the  
19 body.

20 Q Does it change your view as to the conclusion in  
21 your report that it was a death by suicide?

22 A Does what change my conclusion?

1 Q The unusual or unique things you might have  
2 observed at the scene?

3 A You can't take that, I couldn't take that one  
4 sole description or comment to determine that. It would  
5 have to be a part of other concerns and investigations and  
6 findings with other departments involved in the autopsy and  
7 the investigation at the scene.

8 Q But you're not familiar. Are you familiar with  
9 any of that, the autopsy or what's gone on in the  
10 investigation of the case, the police investigation of the  
11 case?

12 A No, I wouldn't consider myself knowledgeable in  
13 that area.

14 Q Are you aware that the Park Police, when they  
15 concluded their investigation, determined that it was a  
16 suicide?

17 A Later on.

18 Q Do you have any reaction to that?

19 (Pause.)

20 A No, not really.

21 Q Based on any information you have, do you think  
22 any feature or any aspect of this case has been overlooked?

---

1 A Just probably the speed of, I guess, identifying  
2 the situation and remedying the problem. In other words,  
3 July 20th is the incident, then January and February is the  
4 time in which I was interviewed.

5 In that span of time, you would think between  
6 that time, some sort of investigation or autopsy report  
7 would have been concluded and finished and over, and it  
8 should have been put away. That's only my opinion.

9 Q Do you know what the date that the Park Police  
10 concluded their investigation?

11 A No, I don't.

12 Q I'll represent to you that it was in August of  
13 that year.

14 Were you surprised that the Park Police never  
15 tried to talk to you or interview you about your thoughts?

16 A Was I surprised? Maybe, yes.

17 Q In previous death cases, have you been  
18 interviewed or spoken to by the investigating?

19 A Usually it's there at the scene, what our  
20 findings are, we describe to them what the findings are.  
21 But I think maybe it's possible that the fact that it was  
22 sort of a co-op here with the Park Police and Fire who

1 arrived at the body at the same time, was enough to describe  
2 the immediate scene as soon as the Park Police arrived.

3 Q But no one asked specifically for what you  
4 thought?

5 A No.

6 Q Did you ever think about approaching the Park  
7 Police or calling the Park Police with your thoughts?

8 A No.

9 Q What was your reaction when you were contacted by  
10 the FBI in December and January to come down and talk to  
11 them?

12 A What was my what, feeling?

13 Q Your feelings, reaction?

14 A I guess the pot is on and someone's ready to  
15 cook. I don't know. The work goes ahead. The  
16 investigation is proceeding, and I'm going to be involved,  
17 obviously.

18 Q Did you have any sense that the determination  
19 that this case was a suicide was somehow rushed?

20 (Pause.)

21 A I'm trying to remember back my feelings on the  
22 question that you're asking. I'm trying to put myself back

---

1 in time but I can't recall feeling anything like that in the  
2 fashion that you've asked.

3 Q Are you aware of any kind of pressures from any  
4 organizational governmental entity that might have affected  
5 this case or impacted this case?

6 A No. Maybe not until this weekend.

7 MR. DARMER: I don't have any further questions  
8 at this time.

9 MR. IVEY: None for me.

10 (Whereupon, at 5:45 p.m., Wednesday, July 20,  
11 1994, the taking of the deposition ceased.)  
12  
13  
14  
15  
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20  
21  
22

CERTIFICATE OF NOTARY PUBLIC & REPORTER

129

I, DAVID L. HOFFMAN, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn; that the testimony of said witness was taken in shorthand and thereafter reduced to typewriting by me or under my direction; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and, further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

---

Notary Public in and for the  
District of Columbia

My Commission Expires



FAIRFAX COUNTY FIRE AND RESCUE DEPARTMENT  
EVENT HISTORY  
DISPATCH RECORDS

## EXHIBIT 2

EVENT NUMBER=932011215

| COMMAND<br>TIME | NOT<br>ENTRY | COMMAND<br>CODE | TEXT                                      |
|-----------------|--------------|-----------------|-------------------------------------------|
| 18:02:26        |              | ENTRY           | WHERE 123 RUNS INTO GW PW, 3/4 MILE SOUT  |
| 18:02:26        |              | ENTRY           | H OF THAT, FORT MARCY???, THERE'S SUPPOSE |
| 18:02:26        |              | ENTRY           | D TO BE A DEAD BODY LYING NEAR THE LAST   |
| 18:02:26        |              | ENTRY           | CANNON GUN IN THE PARK, THIRD PARTY, UN   |
| 18:02:26        |              | ENTRY           | K IF THIS PERSON IS DEAD OR NOT           |
| 18:02:33        |              | UNREC           | M01                                       |
| 18:02:41        |              | SUPP            | NAME: ADDR: PHON: TEXT: TRYING TO N       |
| 18:02:41        |              | SUPP            | OTIFY US PARK PD AS WELL, THEY ARE NOT A  |
| 18:02:41        |              | SUPP            | NSWERING PHONE                            |
| 18:03:05        |              | MCOM            | E01 M01                                   |
| 18:03:08        |              | OP              | E01, CH1                                  |
| 18:03:08        |              | OP              | M01, CH1                                  |
| 18:03:28        |              | SUPP            | NAME: ADDR: PHON: TEXT: US PARK PD        |
| 18:03:28        |              | SUPP            | IS RESPONDING                             |
| 18:03:45        | *            | ENRTE           | (070007) E01                              |
| 18:03:54        | *            | ENRTE           | (076273) M01                              |
| 18:09:58        | *            | ONSCNE          | (070007) E01                              |
| 18:10:16        | *            | ONSCNE          | (076273) M01                              |
| 18:36:46        | *            | MISC            | (076273) M01, OBVIOUS 10-61, SUICIDE W/   |
| 18:36:46        | *            | MISC            | BUM                                       |
| 18:37:02        | *            | AOR             | (070007) E01 @ 01 11                      |
| 18:37:18        | *            | AOR             | (076273) M01 @ 01 11                      |
| 18:40:43        |              | CLOSE           | (000134)                                  |

This is certified a true  
copy of the actual  
field incident report in  
possession of the Fairfax  
County Fire and Rescue  
Department

Signed Donna D. DinkleyDate 7-17-94

## EXHIBIT 3

**CONFIDENTIAL**

## FEDERAL BUREAU OF INVESTIGATION

Date of transcription 2/28/94

GEORGE O. GONZALEZ, JR., of the Fairfax County, Virginia Emergency Medical Service (EMS), was interviewed at the offices of the FEDERAL BUREAU OF INVESTIGATION (FBI), Northern Virginia Metropolitan Resident Agency, 7799 Leesburg Pike, Falls Church, Virginia, South Tower, Suite 200. The interview of GONZALEZ was jointly conducted by RODERICK L. LANKLER, MARK J. STEIN and FBI Special Agent LANKLER and STEIN are attorneys from the Office of the Special Prosecutor - WHITEWATER. After being apprised of the identities of the parties participating in the interview, GONZALEZ thereafter provided the following information:

GONZALEZ has been employed with the Fairfax County, Virginia, EMS for approximately ten (10) years. Prior to becoming a professional with the EMS, GONZALEZ served as a volunteer. GONZALEZ currently holds the position of Sergeant. The EMS is part of the Fairfax County Fire Department. GONZALEZ is trained as a paramedic and is currently assigned to a medic unit. In addition to receiving training related to the handling of hazardous materials, GONZALEZ obtained paramedic training from GEORGE WASHINGTON UNIVERSITY, Washington, D.C. (WDC).

In the course of his career, GONZALEZ has responded to over 50 emergency calls related to gunshot victims. The victims of these cases were eventually classified as suicides. Of that number, over 10 suicides were committed by the victim firing the weapon into the area of the mouth.

GONZALEZ is currently assigned as the sergeant on a medical response vehicle. He is responsible for assessing the status of a patient at an emergency scene. A lieutenant assigned to the unit would be responsible for dealing with obtaining additional victim information from any family on scene and from bystanders. The third member of the team, a technician, would assist the Sergeant.

One of the vehicles responding to the Fort Marcy Park, death scene of VINCENT FOSTER, JR., was a Fairfax County fire

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Investigation on 2/23/94 at Falls Church, Virginia File # 29D-LR-35063

by \_\_\_\_\_ Date dictated 2/28/94

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

OIC 000004

**CONFIDENTIAL**

86A-LR-34847

Continuation of FD-302 of GEORGE O. GONZALEZ, JR., On 2/23/94, Page 2

truck. FAIRFAX COUNTY FIRE AND RESCUE standard operating procedure (SOP), dictates that a fire truck would respond to an emergency dispatch requesting an advanced life support unit. Responsibilities for the fire truck crew include rendering traffic control and operation of recovery and extraction equipment.

GONZALEZ's unit responded from the fire house, to an emergency call at Ft. Marcy Park. The call requested a unit; respond to a possible decedent near a cannon at the park. The identification of the dispatcher on duty could not be recalled. Dispatch response is controlled by the Fairfax County Police Department (FCPD). GONZALEZ served as the office-in-charge on this call. The driver of his unit was TODD HALL. RICK ARTHUR was the third individual responding with the unit. GONZALEZ recalls the dispatch call being received at the station between the hours of 3:00 p.m. and 6:00 p.m.. It was noted that daylight was still visible upon the responding unit's arrival at the incident scene.

Prior to arriving at the incident scene, GONZALEZ recalled seeing a vehicle parked along side the George Washington Parkway. The vehicle was parked approximately one mile from the entrance to Ft. Marcy Park. The vehicle bore diplomatic license tags.

Upon arrival at the Ft. Marcy Park parking area, GONZALEZ viewed a four-door Mercedes sedan with its emergency lights on. Also in the lot was a Honda sedan bearing Arkansas license tags. As GONZALEZ's vehicle was entering the park, a United States Park Police (USPP) vehicle arrived and followed the EMS vehicle to the incident scene. HALL and a USPP officer arrived at FOSTER's body first. The USPP officer may have been named FORNSTEIN (phonetic).

FOSTER's body was located on the side of a hill at the park. FOSTER's head was pointing toward the top of the hill with his feet oriented toward the bottom of the hill. FOSTER was lying on his back with his mouth open, hands at his side with a gun in one of his hands. From visual inspection it was obvious that FOSTER had suffered a gunshot wound to the head. The wound was recalled to be located in the upper, right front portion of the skull. FOSTER was dressed in a white shirt and dark colored pin/chalk stripe trousers. GONZALEZ's visual search of the

OIC 000005

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86A-LR-34847

Continuation of FD-302 of

GEORGE O. GONZALEZ, JR., On 2/23/94, Page 3

incident scene revealed no signs of struggle.

Also noticed by GONZALEZ was pooling of blood within the body at the extremities. Upon completion of the visual inspection, it was determined by GONZALEZ that FOSTER was not revivable. GONZALEZ did not touch FOSTER during the inspection. The visual inspection of FOSTER also included a look into FOSTER's mouth which revealed the presence of blood. No lighting enhancement was utilized during the search of the mouth. HALL may have touched the body at this point; GONZALEZ was unsure. No photographs had been taken throughout the inspection process. GONZALEZ and HALL departed the scene to return lifesaving equipment to the EMS vehicle. By this point in the response, GONZALEZ recalls a second USPP officer at the incident scene. Other investigators began to arrive on scene as well.

After walking away from the location of the body, GONZALEZ looked at the two vehicles in the park for further identifiers related to the victim. The Honda contained a necktie, suit coat, and a black briefcase/attache case. Based on the manner in which FOSTER was clothed, GONZALEZ determined the vehicle to have been driven by the victim.

GONZALEZ identified the following EMS personnel as being located in the Ft. Marcy Park parking area in the vicinity of the vehicle believed to be FOSTER's:

|                 |                |
|-----------------|----------------|
| EMS Vehicle     | TODD HALL      |
|                 | RICK ARTHUR    |
| Engine Company: | RALPH PISANI   |
|                 | JENNIFER WACHA |
|                 | JAY IACONE     |

GONZALEZ noted that USPP officers were also gathered in the vicinity of the vehicle believed to belong to FOSTER. No Fairfax County Police officers were at the incident site while GONZALEZ was on scene.

IACONE was described to be the OIC of the Engine Company unit. GONZALEZ's EMS vehicle and the personnel listed above from the Engine Company, represent the first emergency response units dispatched to the FOSTER death scene. Once the scene was determined to be a death, Fairfax County Fire

OIC 000006

**CONFIDENTIAL**

GEORGE O. GONZALEZ, JR.

. On

2/23/94

. Page

4

Department operating procedures dictated that an ambulatory unit be dispatched to the scene.

Upon arriving at Ft. Marcy Park, COREY ASHFORD of the responding ambulance requested assistance to help with FOSTER's body. ASHFORD was the EMS employee in charge of the ambulance. Responding to ASHFORD's request for assistance was one EMS vehicle staffed by Lieutenant (First Name Unknown) BIANCHI (phonetic).

Toward the conclusion of the interview GONZALEZ was shown a series of polaroid photographs taken at the incident scene by the USPP. GONZALEZ noted that he thought FOSTER's right hand was located in a position that differed from the position in the photograph. No information was provided regarding the hand having been touched by EMS or USPP personnel on scene.

GONZALEZ was contacted by CHRIS RUDDY of the NEW YORK POST after RUDDY contacted the Fairfax County Fire Department Office of Public Affairs. GONZALEZ received authorization from either CATHY SIMMONS or LARRY COLLIER, of the Public Affairs Office, prior to talking to RUDDY. RUDDY wanted details regarding the amount of blood on FOSTER at the incident scene and any thoughts regarding the nature of FOSTER'S death. GONZALEZ reported that there was not much blood at the scene for the manner in which the victim died. GONZALEZ did not talk to any other news agency.

OIC 000007

1050

EMS INCIDENT REPORT

INCIDENT # 95011315 UNIT NO1 SUPP 01 FBX 049 SUBCT 41104 R4P 001  
 DATE 07 01 93 04:3 SHIFT 4 FBX0P 03 FBX0P 03 VEN # 4175 CILES 012  
 LOCATION 0 GEORGE WASHINGTON MEN PU APT # RESPST 0 DISFST 1  
 CAUSE PROBLEM 77 SITUATION 901 VEN ACTION TAKEN P.....  
 DRV EMP # 47395 OIG EMP # 47252 AID EMP # 47552 OTH EMP #  
 REPORT BY EMP # 47252 VOL/STATION 00 SP STUDY SP STUDY  
 UPDATE OPER

**EXHIBIT 4**

UNIT TIMES

DISPATCH 18:03:08 ENROUTE 18:03:54 ONSCENE 18:10:16 ENRHOSP 00:00:00  
 ATHOSP 00:00:00 NEWSTAT 18:37:18

PATIENT INFORMATION

PT LAST NAME FOSTER FIRST VINCENT HI  
 PT ADDRESS UNK APT #  
 CITY UNK STATE AR ZIP CODE  
 AGE 042 RACE W SEX M CAUSE PROBLEM 77 SITUATION 901 RESPST 1  
 AID GIVEN 00 SCORE CASE SEVERITY 1 OUTCOME 1  
 ORTHOSP 43 DESTINATION 43 COMM 9 QUALITY 9 PSSC DIR PT REFUSAL  
 SP 000 000 PUL 000 RES 00 CX 2 EKG-F EKG-M

| PUPIL 9 COLOR 7 TEMP 9 MOIST 9 PREAID RESUS SPECTX |    |  |
|----------------------------------------------------|----|--|
| OR LAST NAME PT HX #                               |    |  |
| ACT01 ANT EMP # EFT ACT02 ANT EMP # EFT            |    |  |
| 03                                                 | 04 |  |
| 05                                                 | 06 |  |
| 07                                                 | 08 |  |
| 09                                                 | 10 |  |
| 11                                                 | 12 |  |
| 13                                                 | 14 |  |
| 15                                                 | 16 |  |
| 17                                                 | 18 |  |
| 19                                                 | 20 |  |

This is certified a true  
 copy of the actual  
 field incident report in  
 possession of the Fairfax  
 County Fire and Rescue  
 Department

Signed Bonnie Diamante

Date 7-19-94

## NARRATIVE REPORT

INCIDENT # 1000000000 UNIT #01 SUPP #01 REQ #1 ECTF #01 DATE 07/19/94  
 AS REQ #1 CALL FOR A POSS BOA IN THE PARK OFF ON PHLY. WHILE IN ROUTE AS W  
 E GOT ONTO ON PKWY WE SAW A CAR ON THE SIDE OF THE ROAD THAT APPEARED TOBE  
 BLUE LIMO. CAR WHICH HAD WRECKED INTO THE TREES. MINOR AUTO DAMAGE. DRIVER  
 LOOKED IN AND WAS WALKING AROUND. AS WE ENTERED THE PARK (FORT HARC) WE  
 PASSED A LIGHT BLUE MERCEDES W/IT HAZARDS ON. NO OCCUPANT IN VEH. WENT FURTH  
 ER UP IN TO THE PARK AND SAW TWO OTHER VEH. BOWN HONDA AR TAGS. AND A WHITE  
 JISSAP W/NO TAGS. NO OTHER PEOPLE IN THE AREA. WE SPLIT OUR CREWS ONE WENT  
 ON THE NORTH TRAIL AND THE OTHER ON THE SOUTH TRAIL. SGT. GONZALEZ AND TECH  
 FALL ALONG W/PARK PD FOPSHON WENT UP THE NORTH TRAIL IN SEARCH OF A BODY. WE  
 DROVE ACROSS THE FIRST CANYON. I SEARCHED AROUND THIS AREA AND FOUND NOTHING.  
 --WE SEARCHED FURTHER TO THE NEXT CANYON

This is certified a true  
 copy of the actual  
 field incident report in  
 possession of the Fairfax  
 County Fire and Rescue  
 Department

Signed Bonnie Diomanko

Date 7-19-94

## NARRATIVE REPORT

INCIDENT # 920011315 UNIT M01 SUPP 01 EED 2 SITF P01 DATE 07/20/94  
 AND FOUND A DEAD MALE W/ SUIT PANTS, AND GRESS SHIRT, NO TIE OR COAT, LAYING  
 SUPINE FEET FIRST DOWN THE HILL. THE FIRST PERSON TO REACH HIM WAS THE TECH  
 TODD HALL AND PARK PD. I FOLLOWED SECONDS BEHIND THEM. I THEN ADVISED FX. PS  
 OF THE SITUATION. WE LEFT PARK PD WITH THE VICTIM AND RETURNED OUR EQUIP  
 TO OUR UNIT. IN DISCUSSION W/ PD HE ASKED HOW MANY CARS WERE OUT IN THE PARK  
 ING LOT I SAID 3. 1 AT THE ENTRANCE AND 2 IN THE PARKING LOT. WE ARRIVED BAC  
 K AT OUR UNIT AND ASSISTED PD. WHILE IN THE PARKING LOT WE LOOKED FOR VEH. W  
 SOME INFO. TO RELATE TO THE PT. ONE VEH. STOOD OUT, THE HONDA, WHICH HAD THE  
 REMAINING PARTS TO HIS SUIT, HIS COAT AND TIE. PT ASSESSED VISUALLY LIVIDITY  
 HAD SET IN. POOLING OF BLOOD IN THE EXTREMITIES. PT HAD BEEN DEAD APPROX. 2  
 ---4 HRS. PT HAD A WEAPON IN HIS-RIGHTHAND

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 copy of the actual  
 field incident report in  
 possession of the Fairfax  
 County Fire and Rescue  
 Department

Signed Bonnie Diamantes

Date 7-19-94



1053

NARRATIVE REPORT

INCIDENT # F22011315 UNIT #01 SUPP 01 REQ 2 SITE #01 DATE 07/20/93

PARK PD DID NOT NEED ANY OTHER SERVICES.

This is certified a true  
copy of the actual  
field incident report in  
possession of the Fairfax  
County Fire and Rescue  
Department

Signed Bonnie Diamante

Date 7-19-94

**FAIRFAX COUNTY FIRE AND RESCUE DEPARTMENT  
ONLINE FIRES INCIDENT REPORT  
DECODING GUIDE**

VERSION 1.40

**EXHIBIT 5**

**EMS CODES FOR INCIDENT REPORTS / SELECTED FIELDS**

**MPROP:**     Mobile Property

**1. PASSENGER ROAD TRANSPORT VEHICLES**

Motor vehicles such as automobiles, buses, or mobile homes used primarily for transporting or housing people.  
Included are abandoned vehicles.

11. Automobile.  
Included are taxicabs, limousines, race cars, and ambulances.
12. Bus, trackless trolley.  
Included are school buses.
13. All terrain vehicles.  
Included are motorcycles, golf carts, snowmobiles, dune buggies, and mopeds.
14. Motor home.  
A mobile unit containing its own motive power.  
A portable structure built or placed on a chassis and designed to be pulled by a vehicle.
15. Travel trailer.  
A portable structure built or placed on a chassis and designed to be pulled by a vehicle.
16. Camping trailer.  
A collapsible portable structure built on a chassis and designed to be pulled by a vehicle.
17. Mobile home, mobile building.  
A structure built on a chassis and designed to be pulled by a vehicle to a semi-permanent site.  
Included are mobile classrooms, mobile banks, mobile office buildings, whether on wheels, off their wheels on jacks, or on a foundation.
19. Passenger Road Transport Vehicles not classified above.
10. Passenger Road Transport Vehicles; insufficient information available to classify further.

**2. FREIGHT ROAD TRANSPORT VEHICLES**

Vehicles primarily for transporting goods.  
Included are abandoned vehicles.  
Excluded are materials handling equipment (63).

21. General use trucks over 97 KG (one ton) net weight.  
Included are solid chassis trucks, mail trucks, dump trucks, and fire apparatus.
22. General use small trucks, 97 KG (one ton), net weight or less. Included are pickups, wagons, and non-motorized hauling rigs.

**FAIRFAX COUNTY FIRE AND RESCUE DEPARTMENT  
ONLINE FIRES INCIDENT REPORT  
DECODING GUIDE**

**VERSION 1.40**

**FRIEIGHT AND TRANSPORT VEHICLES (Continued)**

- 23. Semi-trailer truck with or without tractor.
- 24. Tank truck for nonflammable cargo.
- 25. Tank truck for flammable or combustible liquid chemicals.
- 26. Tank truck for compressed gas or LP-gas.
- 27. Trash truck.
- Included are refuse rendering and waste collection vehicles.
- Excluded are mechanically moved waste containers (72).
- 29. Freight Road Transport Vehicles not classified above.
- 20. Freight Road Transport Vehicles; insufficient information available to classify further.

**3. RAIL TRANSPORT VEHICLES**

Railroad, subway, railway, trolley car, and other rail vehicles are included.

- 31. Passenger/diner car.
- 32. Freight, box, hopper car.
- 33. Tank car.
- 34. Container, piggy-back car.
- 35. Locomotive, engine.
- 36. Self-powered car.
- Included are trolley and rapid transit cars.
- Excluded are trackless trolleys (12).
- 37. Maintenance equipment, car.
- Included are cabooses and cranes.
- 39. Rail Transport Vehicles not classified above.
- 30. Rail Transport Vehicles; insufficient information available to classify further.

**4. WATER TRANSPORT VESSELS**

Included are all water vessels, irrespective of ownership.

- 41. Motor craft under 10 M (65 ft) length overall.
- Vessels under 20 M (65 ft) length overall.
- Excluded are commercial fishing vessels (48).
- 42. Vessel under 907 metric tons (1,000 gross tons).
- Vessels over 20M (65 ft) length overall, but under 907 metric tons (1,000 gross tons). Included are water taxis, industrial vessels, and "yachts".
- 43. Passenger ship.
- 44. Tank ship.
- 45. Combat ship.
- 46. Cargo ship. Vessels not classified in subdivisions 41, 42, 43, 44, and 45.

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**WATER TRANSPORT VESSELS (Continued)**

- 47. Non-self-propelled vessel.  
All vessels without their own motive-power.  
Included are towed petroleum balloons, barges, and other towed or towable vessels.  
Excluded are sailboats (49).
- 48. Commercial fishing vessel.  
Included are vessels on inland, coastal, and ocean waters, and operation of oyster beds, fish hatcheries, and factory vessels.  
Excluded are fish hatcheries themselves (specific property use 665).
- 49. Water Transport Vessels not classified above.
- 40. Water Transport Vessels; insufficient information available to classify further.

**5. AIR TRANSPORT VEHICLES**

Transport by air of passengers and freight, whether by regular services or by private charter.

- 51. Personal, business, utility aircraft under 5670 KG (12,500 lb) gross weight.
- 52. Personal, business, utility aircraft 5670 KG (12,500 lb) gross weight and over.
- 53. Commercial transport aircraft, reciprocating engine powered, fixed wing.
- 54. Commercial transport aircraft, jet and other turbine powered, fixed wing.
- 55. Nonmilitary helicopters, vertical take-off aircraft.
- 56. Combat-type military aircraft (attack bombers, fighters, reconnaissance).
- 58. Nonmilitary ground effect machines (hovercraft).
- 59. Air Transport Vehicles not classified above.
- 50. Air Transport Vehicles; insufficient information available to classify further.

**6. HEAVY INDUSTRIAL AND AGRICULTURAL EQUIPMENT**

- 61. Earth moving equipment.  
Included are bulldozers, shovels, graders, scrapers, trenchers, and plows.
- 62. Construction equipment.  
Included are water drilling equipment, pile drivers, tunneling equipment, air compressors, and the like.
- 63. Materials handling equipment.  
Included are fork lifts, industrial tow motors, loaders, and stackers.
- 64. Crane.

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**HEAVY INDUSTRIAL AND AGRICULTURAL EQUIPMENT (Continued)**

- 65. Tractor, harvester, picker.
- 66. Drilling rig for petroleum and gas only.
- 69. Heavy Industrial and Agricultural Equipment not classified above.
- 60. Heavy Industrial and Agricultural Equipment; insufficient information available to classify further.

**7. SPECIAL MOBILE PROPERTY, MILITARY VEHICLES**

- 71. Garden equipment.  
Included are power driven lawn, yard, and snow equipment.
- 72. Mechanically moved waste container (dumpster).
- 73. Mechanically moved shipping container.
- 74. Armored equipment.  
Included are armored cars and military vehicles.
- 75. Manned, unmanned space vehicles.  
Included are rockets and missiles. For launching site, see specific property use 631.
- 79. Special Mobile Property, Military Vehicles not classified above.
- 70. Special Mobile Property, Military Vehicles; insufficient information available to classify further.

**8. RECREATIONAL MOBILE PROPERTY, NON-MOTORIZED**

- 81. Bicycle.
- 82. Skateboard.
- 83. Tricycle, toy wagon.
- 84. Scooter.
- 85. Roller Skates, Roller Blades.
- 86. Snow Sled.
- 87.
- 88.
- 89. Special recreational property, not classified above.
- 80. Special recreational property, information insufficient to classify further.

**9. OTHER MOBILE PROPERTY TYPES**

- 98. Mobile property type not applicable.
- 99. Mobile property type not classified above.
- 90. Mobile property type undetermined or not reported.

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**RESPST:**                    Response Status

- 0 EMERGENCY RESPONSE, EMERGENCY TRANSPORT
- 1 EMERGENCY RESPONSE, NON-EMERGENCY TRANSPORT
- 2 EMERGENCY RESPONSE, NO TRANSPORT
- 3 NON-EMERGENCY RESPONSE, EMERGENCY TRANSPORT
- 4 NON-EMERGENCY RESPONSE, NON-EMERGENCY TRANSPORT
- 5 NON-EMERGENCY RESPONSE, NO TRANSPORT
- 6 NO RESPONSE, EMERGENCY TRANSPORT
- 7 NO RESPONSE, NON-EMERGENCY TRANSPORT
- 8 NO RESPONSE, NO TRANSPORT

**DISPST:**                    Dispatch Status

- 1 Dispatched into reporting unit's first due area as a normal response.
- 2 Dispatched into reporting unit's first due area because first due unit was already committed to another incident.
- 3 Dispatched out of reporting unit's first due area as a supplement unit.
- 4 Dispatched out of reporting unit's first due area because first due unit was unavailable.
- 5 Dispatched out of reporting unit's first due area because reporting unit was closest.
- 6 N/A (Explain in detail in the narrative.)

**CAUSE PROBLEM:**        Cause of Patient's Problem

|                                                               |    |
|---------------------------------------------------------------|----|
| NO CAUSE                                                      |    |
| NO APPARENT OR CLEAR CAUSE (USE IN NO SIGNIFICANT CONDITIONS) | 00 |
| VEHICLE RELATED                                               |    |
| AIRCRAFT, N.O.S.                                              | 01 |
| BICYCLE, N.O.S.                                               | 02 |
| BOAT/SHIP/WATERCRAFT, N.O.S.                                  | 03 |
| BUS/LARGE TRUCK, STRUCK BY                                    | 04 |
| BUS/LARGE TRUCK, OPERATOR/RIDER                               | 05 |



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**VEHICLE RELATED (Continued)**

|                                                                   |    |
|-------------------------------------------------------------------|----|
| CAR/VAN/SMALL TRUCK, STRUCK BY .....                              | 06 |
| CAR/VAN/SMALL TRUCK, OPERATOR/RIDER, SEATBELT NOT USED .....      | 07 |
| CAR/VAN/SMALL TRUCK, OPERATOR/RIDER, SEATBELT UNKNOWN .....       | 08 |
| CAR/VAN/SMALL TRUCK, OPERATOR/RIDER, SEATBELT USED .....          | 09 |
| MOTORCYCLE/MOPED/DIRT BIKE, OPERATOR/RIDER, HELMET NOT USED ..... | 10 |
| MOTORCYCLE/MOPED/DIRT BIKE, OPERATOR/RIDER, HELMET USED .....     | 11 |
| MOTORCYCLE/MOPED/DIRT BIKE, STRUCK BY .....                       | 12 |
| TRAIN/SUBWAY, STRUCK BY .....                                     | 13 |
| TRAIN/SUBWAY, OPERATOR/RIDER .....                                | 14 |
| VEHICLE, N.O.S., OPERATOR/RIDER .....                             | 15 |
| VEHICLE, N.O.S., STRUCK BY .....                                  | 16 |
| VEHICLE, AIR BAG ACTIVATED .....                                  | 17 |
| VEHICLE, FALL, JUMP FROM .....                                    | 36 |

**ACCIDENTAL**

|                                                 |    |
|-------------------------------------------------|----|
| ABANDONMENT/NEGLECT .....                       | 20 |
| ACID .....                                      | 21 |
| AIRWAY OBSTRUCTION, FOREIGN BODY/SWELLING ..... | 22 |
| ALCOHOL .....                                   | 23 |
| ALKALI .....                                    | 21 |
| ANAPHYLAXIS, FOOD/DRINK .....                   | 24 |
| ANAPHYLAXIS, STING/BITE .....                   | 25 |
| BARBITURATES, SEDATIVES, TRANQUILIZERS .....    | 26 |
| BURN, CONTACT WITH HOT SUBSTANCE .....          | 27 |
| BURN, CORROSIVE/CAUSTIC .....                   | 21 |
| COCAINE .....                                   | 28 |
| COLD/LOW TEMPERATURES .....                     | 29 |
| CORROSIVE/CAUSTIC SUBSTANCE/PRODUCT .....       | 21 |
| CRUSHED/ENTANGLED .....                         | 30 |
| DROWNING/SUBMERSION/NEAR DROWNING .....         | 31 |
| DRUGS (NON-PRESCRIBED), N.O.S. ....             | 32 |
| ELECTRICAL CONTACT .....                        | 33 |
| EXPLOSION/BLAST .....                           | 34 |
| EXPOSURE .....                                  | 35 |
| FALL/JUMP, FROM VEHICLE .....                   | 36 |
| FALL, 15 FEET, GREATER THAN .....               | 37 |
| FALL, 15 FEET, EQUAL TO OR LESS .....           | 38 |
| FIREWORKS .....                                 | 34 |
| FLAME CONTACT .....                             | 27 |
| FOOD POISONING .....                            | 24 |
| FOOD/DRINK, N.O.S. ....                         | 24 |
| FOOD/WATER, LACK OF .....                       | 20 |
| GASES/FUMES NOT FIRE RELATED .....              | 39 |

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**ACCIDENTAL (Continued)**

|                                                                    |    |
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| HALLUCINOGENICS, PSYCHOTROPICS .....                               | 41 |
| HEAT/HIGH TEMPERATURES .....                                       | 42 |
| HEROIN (NARCOTICS) .....                                           | 43 |
| HYPOTHERMIA .....                                                  | 29 |
| LACERATION/CUT .....                                               | 44 |
| MARIJUANA (Use DRUGS, N.O.S.) .....                                | 32 |
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| NARCOTICS, ANALGESICS, ANTIPYRETICS ..                             | 43 |
| OBJECT, IMPALED BY/INSERTED .....                                  | 46 |
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| OVEREXERTION/STRENUOUS ACTIVITY .....                              | 48 |
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| PESTICIDES/FERTILIZERS .....                                       | 49 |
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**SELF INFLICTED / APPARENT SUICIDE**

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| DROWNING/SUBMERSION .....                          | 74 |
| DRUGS, N.O.S. ....                                 | 75 |
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**ASSAULT / APPARENT INFLICTED**

|                                       |    |
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| ASSAULT, SEXUAL .....                 | 88 |
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| FIGHT/BRAWL/ASSAULT, UNARMED .....    | 89 |
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| GASES/VAPORS .....                    | 92 |
| POISON, N.O.S. ....                   | 93 |
| STABBING/CUTTING .....                | 97 |
| STRANGULATION/HANGING .....           | 98 |

**SITUATION: Incident Situation**

**GENERAL**

- 000 Cardiac arrest, unwitnessed, trauma related
- 001 Cardiac arrest, unwitnessed, medical related
- 002 Cardiac arrest, witnessed, trauma related
- 003 Cardiac arrest, witnessed, medical related
- 004 Respiratory arrest, witnessed, medical/trauma
- 005 Respiratory arrest, unwitnessed, medical/trauma
- 006 Trauma, significant injury involving multiple body areas, CRAMS equal to or less than 8
- 007 Trauma, moderate injury involving multiple body areas, CRAMS equal or greater than 9
- 008 Burns, thermal, involving multiple body areas
- 009 Burns, chemical, involving multiple body areas

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**ILLNESS, DISEASE, OR SYSTEMIC DISORDER**

- 010 Fever
- 011 Diabetes
- 012 Cancer involving multiple areas of the body
- 013 Allergic reaction
- 014 Seizures/seizure disorder
- 015 Seizure apparent febrile
- 016 Altered mental status (Includes combativeness, disoriented, dizziness, etc)
- 017 Unconscious (Loss of consciousness > 2 min.)
- 018 Syncope (Loss of consciousness < 2 min.)
- 019 Heat related problem
- 020 Cold related problem
- 021 General malaise/sickness (includes flu-like symptoms)
- 022 Blood disorder/electrolyte imbalance not otherwise specified
- 023 High Blood pressure
- 024 Psychological or emotional disorder
- 025 Newborn Infant Care (For Code 3 Transport, use 913)
- 026 Overdose, N.O.S.

**HEAD**

**\*\*\* Scalp/Brain/CNS \*\*\***

- 100 Abrasion, Laceration, Incision or External Bleeding
- 101 Amputation/Avulsion (Includes decapitation)
- 102 Headache or pain - not otherwise specified
- 103 Burn (includes chemical), frost bite, freezing
- 104 Puncture/Penetration
- 105 Impaled Object
- 106 Contusion or Internal Bleeding (Includes possible concussion)
- 107 Neurogenic Shock
- 108 Fracture or Dislocation, suspected or obvious
- 109 Sprain or strain

**\*\*\* Disease/Infection/Disorder \*\*\***

- 110 CVA, TIA
- 120 Parkinson's disease
- 121 Cancer/tumor
- 014 Seizure/seizure disorder
- 015 Seizure apparent febrile
- 016 Altered mental status (Includes combativeness, disoriented, dizziness, etc)
- 017 Unconscious (Loss of consciousness > 2 min.)
- 018 Syncope (Loss of consciousness < 2 min.)
- 024 Psychological or emotional disorder
- 122 Other - not otherwise specified

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**\*\*\* Eyes/Surrounding Structures \*\*\***

- 130 Abrasion, Laceration, Incision or External Bleeding
- 131 Avulsion
- 132 Ache or pain
- 133 Burn (includes chemical)
- 134 Puncture/Penetration
- 135 Impaled object/Foreign body
- 136 Contusion or Internal Bleeding
- 137 Fracture of the orbit

**\*\*\* Disease/Infection/Disorder N.O.S. \*\*\***

- 138 Cancer/Tumor
- 139 Visual disturbance
- 140 Other - Not otherwise specified

**\*\*\* Ears/Surrounding Structures \*\*\***

- 145 Abrasion, Laceration, Incision or External Bleeding
- 146 Avulsion/Amputation
- 147 Ache or pain
- 148 Burn (includes chemical), frost bite, freezing
- 149 Puncture/Penetration/Rupture
- 150 Impaled object/Foreign body
- 151 Contusion or Internal Bleeding

**\*\*\* Disease/Infection/Disorder N.O.S. \*\*\***

- 152 Cancer/tumor
- 153 Hearing disturbance
- 154 Equilibrium disfunction
- 155 Other - Not otherwise specified

**\*\*\* Nose/Surrounding Structures \*\*\***

- 160 Abrasion, Laceration, Incision or External Bleeding (includes Epistaxis)
- 161 Avulsion/Amputation
- 162 Burn (includes chemical), frost bite, freezing
- 163 Puncture/Penetration
- 164 Impaled object/Foreign body
- 165 Contusion or Internal Bleeding
- 166 Fracture

**\*\*\* Disease/Infection/Disorder N.O.S. \*\*\***

- 167 Cancer/tumor
- 168 Rhinorrhea (runny nose)
- 169 Other - not otherwise specified

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**\*\*\* Mouth/Jaw \*\*\***

- 170 Abrasion, Laceration, Incision or External Bleeding
- 171 Avulsion/Amputation (includes teeth)
- 172 Ache or pain
- 173 Burn (includes chemical)
- 174 Puncture/Penetration
- 175 Impaled object/Obstruction (includes foreign body, tongue, or choking)
- 176 Contusion or Internal Bleeding
- 177 Fracture or Dislocation, suspected or obvious
- 178 Sprain or strain, cramps, spasms (includes local seizure)
- 179 Disease, infection or disorder not otherwise listed
- 180 Cancer/tumor
- 181 Other - Not otherwise specified

**NECK AREA**

**\*\*\* Cervical Spine (Cord and Vertebrae) \*\*\***

- 200 Abrasion, Laceration, Incision or External
- 201 Bleeding
- 202 Ache or pain
- 203 Burn (includes chemical)
- 204 Puncture/Penetration
- 205 Impaled Object
- 206 Contusion or Internal Bleeding
- 207 Fracture
- 208 Sprain or strain, cramps, spasms
- 209 Disease, infection or disorder not otherwise listed
- 210 Cancer/tumor
- 211 Meningitis
- 212 Other - not otherwise specified

**\*\*\* Trachea and Larynx \*\*\***

- 220 Abrasion, Laceration, Incision or External Bleeding
- 221 Burn (includes chemical)
- 222 Puncture/Penetration (includes subcutaneous emphysema)
- 223 Impaled object/Foreign body (includes choking)
- 224 Internal Bleeding
- 225 Disease, infection or disorder not otherwise listed
- 226 Cancer/tumor
- 227 Epiglottitis
- 228 Croup
- 229 Laryngitis
- 230 Other - not otherwise specified

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**\*\*\* Neck \*\*\***

- 240 Abrasion, Laceration, Incision or External Bleeding
- 241 Aneurism
- 242 Avulsion
- 243 Ache or pain
- 244 Burn (includes chemical)
- 245 Puncture/Penetration
- 246 Impaled Object
- 247 Contusion or Internal Bleeding
- 248 Fracture or Dislocation, suspected or obvious
- 249 Sprain or strain, cramps, spasms (includes local seizure)
- 250 Disease, infection or disorder not otherwise listed
- 251 Cancer/tumor
- 252 Thyroid gland disfunction (myxedema, thyrotoxic storm, gout)
- 253 Other - not otherwise specified

**THORAX**

**\*\*\* Heart \*\*\***

- 260 Ache or pain not otherwise specified
- 261 Burn (includes chemical)
- 262 Puncture/Penetration/Impaled Object
- 263 Congestive Heart Failure
- 264 Contusion or Internal Bleeding (includes Cardiac Tamponade)
- 265 Disease, infection or disorder not otherwise listed
- 266 Angina, Arrhythmia, chest pain, AMI (other than cardiac arrest)
- 267 Cancer/tumor
- 268 Pericarditis
- 269 Pacemaker Disfunction
- 270 Other - not otherwise specified

**\*\*\* Lungs \*\*\***

- 271 Puncture/Penetration or Pneumothorax
- 272 Impaled object/Foreign body
- 273 Contusion or Internal Bleeding (hemothorax)
- 274 Disease, infection or disorder not otherwise listed
- 275 Cancer/tumor
- 276 Cystic Fibrosis
- 277 Congestion (respiratory infection, includes pneumonia)
- 278 Pulmonary edema (non-CHF)
- 279 Hyperventilation (apparent)
- 280 Asthma/bronchitis
- 281 Pulmonary Embolus (apparent)
- 282 Pleurisy
- 283 Emphysema
- 284 Trouble Breathing
- 285 Other - Not otherwise specified

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**\*\*\* Chest Cage \*\*\***

- 290 Abrasion, Laceration, Incision or External Bleeding
- 291 Avulsion
- 292 Ache or pain not otherwise specified
- 293 Burn (includes chemical)
- 294 Puncture/Penetration
- 295 Impaled Object
- 296 Contusion or Internal Bleeding
- 297 Fracture or Dislocation, suspected or obvious
- 298 Sprain or strain, cramps, spasms
- 299 Disease, infection or disorder not otherwise listed
- 300 Cancer/tumor
- 301 Costalchondralitis (apparent)
- 302 Other - Not otherwise specified

**ABDOMEN/INTERNAL ORGANS**

- 400 Abrasion, Laceration, Incision or External Bleeding
- 401 Avulsion (includes Evisceration)
- 402 Ache or pain not otherwise specified
- 403 Burns (includes chemical)
- 404 Puncture/Penetration
- 405 Impaled object/Foreign body
- 406 Contusion or Internal Bleeding
- 407 GI Bleed (ulcer)
- 408 Sprain or strain, cramps, spasms
- 409 Disease, infection or disorder not otherwise listed
- 410 Cancer/tumor
- 411 Nausea/vomiting/diarrhea - unknown origin
- 412 Appendicitis (apparent)
- 413 Liver disorder (Includes Hepatitis)
- 414 Gallbladder disfunction (includes stones)
- 415 Pancreatitis
- 416 Kidney disfunction (includes stones)
- 420 Other - not otherwise specified

**PELVIS/GENITOURINARY**

- 500 Abrasion, Laceration, Incision or External Bleeding
- 501 Ache or pain not otherwise specified
- 502 Burn (includes chemical)
- 503 Puncture/Penetration
- 504 Impaled object/Foreign body
- 506 Contusion or Internal Bleeding
- 507 Fracture or Dislocation, suspected or obvious
- 508 Disease, infection or disorder not otherwise listed
- 509 Cancer/tumor
- 510 Ectopic pregnancy (apparent)
- 511 Venereal disease (apparent)

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**PELVIS/GENITOURINARY (Continued)**

- 512 Genital discharge, Non-pregnant (Includes blood and hematuria)
- 513 Genital discharge, Pregnant
- 514 Kidney disfunction (includes possible stones)
- 515 Childbirth (natural w/o complications)/(Must also complete a situation 025 for newborn)
- 516 Childbirth w/complications (Must also complete a situation 025 for newborn)
- 517 Labor pains (w/o complications)
- 518 Pelvic Inflammatory Disease
- 520 Other - not otherwise specified

**EXTREMITIES**

**\*\*\* Legs \*\*\***

- 600 Abrasion, Laceration, Incision or External Bleeding
- 601 Amputation/Avulsion
- 602 Ache or pain not otherwise specified
- 603 Burn (includes chemical), frost bite, freezing
- 604 Puncture/Penetration
- 605 Impaled Object
- 606 Contusion or Internal Bleeding
- 607 Fracture or Dislocation, suspected or obvious
- 608 Sprain or strain, cramps, spasms
- 610 Disease, infection or disorder not otherwise listed
- 611 Cancer/tumor
- 620 Other - not otherwise specified

**\*\*\* Ankles/Feet \*\*\***

- 650 Abrasion, Laceration, Incision or External Bleeding
- 651 Amputation/Avulsion
- 652 Ache or pain
- 653 Burn (includes chemical), frost bite, freezing
- 654 Puncture/Penetration
- 655 Impaled Object
- 656 Contusion or Internal Bleeding
- 657 Fracture or Dislocation, suspected or obvious
- 658 Sprain or strain, cramps, spasms
- 659 Disease, infection or disorder not otherwise listed
- 660 Cancer/tumor
- 670 Other - not otherwise specified

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**\*\*\* Arms \*\*\***

- 700 Abrasion, Laceration, Incision or External Bleeding
- 701 Amputation/Avulsion
- 702 Ache or pain
- 703 Burn (includes chemical), frost bite, freezing
- 704 Puncture/Penetration
- 705 Impaled Object
- 706 Contusion or Internal Bleeding
- 707 Fracture or Dislocation, suspected or obvious
- 708 Sprain or strain, cramps, spasms
- 710 Disease, infection or disorder not otherwise listed
- 711 Cancer/tumor
- 720 Other - Not otherwise specified

**\*\*\* Wrist/Hands \*\*\***

- 750 Abrasion, Laceration, Incision or External Bleeding
- 751 Amputation/Avulsion
- 752 Ache or pain
- 753 Burn (includes chemical), frost bite, freezing
- 754 Puncture/Penetration
- 755 Impaled Object
- 756 Contusion or Internal Bleeding
- 757 Fracture or Dislocation, suspected or obvious
- 758 Sprain or strain, cramps, spasms
- 760 Disease, infection or disorder not otherwise listed
- 761 Cancer/tumor
- 770 Other - not otherwise specified

**\*\*\* Back/Buttocks \*\*\***

- 800 Abrasion, Laceration, Incision or External Bleeding
- 801 Avulsion
- 802 Ache or pain
- 803 Burn (includes chemical)
- 804 Puncture/Penetration
- 805 Impaled object/Foreign body
- 806 Contusion or Internal Bleeding
- 807 Fracture or Dislocation, suspected or obvious Spinal Fracture (apparent)
- 808 Sprain or strain, cramps, spasms
- 810 Disease, infection or disorder not otherwise listed
- 811 Cancer/tumor
- 820 Other - not otherwise specified

**DOA: NO RESUSCITATION EFFORTS**

- 900 DOA, non-trauma related (specify in narrative)
- 901 DOA, trauma related (specify in narrative)
- 902 DOA, multiple casualty, triaged as no resuscitation



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**TRANSPORTS**

- 910 Code 1 Transport, ALS emergency
- 911 Code 2 Transport, ALS non-emergency
- 913 Code 3 Transport (Neo-natal or OB)
- 914 Code 4 Transport (DOA)
- 915 Non-emergency BLS Transport

**ASSIST SITUATIONS**

- 950 Light rescue (minor extrication), no medical treatment
- 951 Public service, assist patient, no medical treatment
- 952 Assist other units in EMS operations
- 953 Assist Hospital Emergency Department operations
- 954 Assist units in suppression operations
- 955 Assist units in HazMat operations
- 956 Assist in operations, N.O.S.
- 957 Standby at incident, EMS
- 958 Standby at incident, N.O.S.
- 959 Fill in, temporary reassignment of unit
- 960 Placed in service prior to arrival
- 961 Nothing found at incident location
- 962 Helicopter standby and/or pad-hospital transport
- 963 Vehicle accident only, no injuries, no action required.

**\*\*\* Other \*\*\***

- 997 Medical False Alarm
- 998 No Apparent Medical Condition
- 999 Patient Refused Services - TO BE USED WHEN PATIENT  
REFUSES ALL SERVICES, NOT JUST TRANSPORTATION

**VEH ACTION TAKEN: Vehicle Action Taken**

- 1 CODE 1 TRANSPORT - INTERFACILITY, EMERGENCY, ALS (Also see #5)
- 2 CODE 2 TRANSPORT - INTERFACILITY, NON-EMERGENCY, ALS (Also see #6)
- 3 CODE 3 TRANSPORT - CHILDBIRTH/NEONATAL
- 4 CODE 4 TRANSPORT - D.O.A
- 5 CODE 1 TRANSPORT - POSSIBLY INAPPROPRIATE
- 6 CODE 2 TRANSPORT - POSSIBLY INAPPROPRIATE
- 7 CODE 2 TRANSPORT - RETURN EQUIPMENT AND/OR PERSONNEL TO ORIGINATING FACILITY
  
- A DISPATCHED BUT RESPONSE WAS CANCELLED
- B DIVERTED TO ANOTHER INCIDENT
- C RESPONSE TERMINATED DUE TO ACCIDENT OR BREAKDOWN
- D INVESTIGATED, NOTHING FOUND
- E INVESTIGATED, NO SERVICE REQUIRED
- F STAND BY, NO ACTIONS PERFORMED
- G ASSISTED ON EVACUATION

**FAIRFAX COUNTY FIRE AND RESCUE DEPARTMENT  
ONLINE FIRES INCIDENT REPORT  
DECODING GUIDE**

**VERSION 1.40**

**VEH ACTION TAKEN (Continued)**

- H ASSISTED ON NON-EMS OPERATIONS, FIREGROUND ACTIVITIES
- I ASSISTED ON NON-EMS OPERATIONS, HAZMAT INCIDENT
- J ASSISTED ON NON-EMS OPERATIONS, CAVE IN INCIDENT
- K ASSISTED ON SEARCH AND RESCUE
- L ASSISTED ON NON-EMS OPERATIONS, OTHER
- M SET UP AID STATION
- N PICKED UP AND/OR TRANSPORTED EQUIPMENT AND/OR PERSONNEL
- O ASSISTED PATIENT, PUBLIC SERVICE, HELPED INTO BED OR CAR
- P TREATED AND/OR ASSISTED ON EMS OPERATION
- Q TRANSPORTED PATIENT TO A MEDICAL FACILITY
- R TRANSPORT TERMINATED DUE TO ACCIDENT OR BREAKDOWN
- S ASSISTED ED/RECEIVING FACILITY
- T STAFFED/ASSISTED, INCIDENT COMMAND STAFF
- U STAFFED/ASSISTED, ANOTHER UNIT
- V PERFORMED LIGHT RESCUE
- W FILLED IN STATION
- X TRAFFIC/CROWD CONTROL

New York Post  
1/27/94 A5, A18

EXHIBIT 6 and 16

NEW YORK POST, THURSDAY, JANUARY 27, 1994

EXCLUSIVE NEW YORK POST INVESTIGATION



LOSE PALE: President Clinton with Vincent Foster (right) and Hillary last year in Little Rock.

# DOUBTS RAISED OVER FOSTER'S 'SUICIDE'

■ Why was he still holding the gun?  
■ Why so little blood?

By CHRISTOPHER RUDDY

Interviews with some of the first people to see Vincent Foster's body after it was found in a Virginia park have raised new questions about the "suicide" of the White House deputy counsel.

The questions involve the position of Foster's body; the fact that the gun was still in Foster's hand and had no blood on it; the small amount of blood on and near the body; and the swiftness with which the death was declared a suicide.

Fairfax County paramedic George Gonzalez, who says he was the first rescue worker to see Foster's body last July 23, told The Post he found several things about the death scene "strange."

For one thing, Foster's body was laid out perfectly "as if in a coffin," Gonzalez said in his first public interview about the mysterious death.

"I found it peculiar: Every extremity [of his body] was straight, as if it was ready for the coffin," said Gonzalez, a paramedic for 13 years.

He said a .38-caliber Colt revolver was in Foster's right hand — even though experts say handguns used in suicides often are "catastrophed" up to 20 feet away from a body.

He said Foster's arms were resting perfectly straight alongside his legs.

Gonzalez said he was surprised to find so little blood at the death scene of someone who appeared to have placed a .38 in his mouth and pulled the trigger.

"The face was white and pale, and only a thin trickle of blood oozed from one corner of his mouth," he said.



VINCENT FOSTER  
Nastily laid out.

"Usually a suicide by gunshot is a mess," said Gonzalez, who claimed he has examined a number of suicide victims who shot themselves in the mouth.

Kory Ashford, an emergency services technician who helped put Foster's body into a body bag, also said he does not remember seeing any blood.

"I can't even recall an exit wound," Ashford said, explaining that typically there would be a "mess" under the victim's head.

Park Policeman Kevin Farnham, the first police officer at the scene, said everything, including Foster's white shirt, "was really neat," with no blood on it.

The apparent contradiction — a scarcity of blood in a death involving a gunshot wound to the head — raised the possibility that Foster may have been killed elsewhere and that his body was dumped in the park, according to homicide experts contacted by The Post.

The pathologist who conducted the autopsy said the wound had been "self-inflicted," but the autopsy results haven't been made public.

The results will be sent to special White House counsel Robert Fiske, who will look into Foster's death as part of his investigation.

Another key question involves the gun.

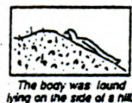
Gonzalez remembered

## Some clues

Forensic and homicide experts look for a number of immediate telltale signs to help distinguish a suicide from a murder. While an unusual circumstance does not definitely indicate foul play, experts consider all possible evidence. Here are some things investigators might have looked for at the scene of Foster's death:

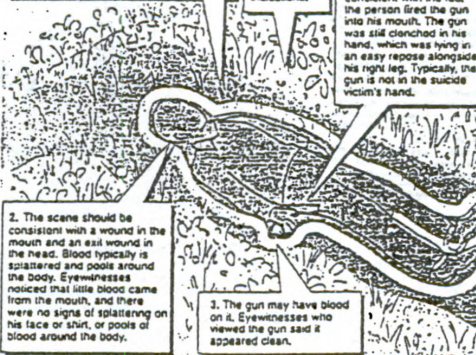
1. The body should be consistent with the person's original position when he was shot in the mouth. Because of his straight appearance, eyewitnesses assumed that Foster either sat or lay down on the incline to shoot himself. The bullet likely would have been lodged in the ground behind him. Park police said he shot the gun while standing and the bullet went back into the woods.

5. The area around the person should be examined for indications of a struggle. Police said there were no such indications.



The body was found lying on the side of a hill.

4. The gun's position after death should be consistent with the fact the person fired the gun into his mouth. The gun was still clutched in his hand, which was lying in an easy repose alongside his right leg. Typically, the gun is not in the suicide victim's hand.



2. The scene should be consistent with a wound in the mouth and an exit wound in the head. Blood typically is splattered and pools around the body. Eyewitnesses noticed that little blood came from the mouth, and there were no signs of splattering on his face or shirt, or pools of blood around the body.

3. The gun may have blood on it. Eyewitnesses who viewed the gun said it appeared clean.

## Key questions leave experts wondering

By CHRISTOPHER RUDDY

Expert detectives can often distinguish a suicide from a murder by asking — and finding the answers to — a number of key questions.

Here are their unanswered questions about the death of White House lawyer Vince Foster:

■ Was the suicide victim familiar with the weapon?

■ Police say the .38 Colt .38-caliber revolver found in Foster's hand was the gun used, based on a murder residue on Foster's hand.

■ But the Foster family has not positively identified the gun as his.

■ Is the victim's time accounted

A note found in Foster's briefcase had been torn in 27 pieces. It detailed Foster's anguish over a number of issues, but made no mention of suicide.

for on the day of his death?

The autopsy report put the time of death between 1 and 3 p.m. Foster left the White House at 1 p.m., leaving up to four hours unaccounted for.

■ Did anyone hear the gunshot?

Police say no, but they apparently did not question all homeowners and workers in and near

the park.

■ Were there nearby witnesses? Police say no one besides Foster apparently was in the park at the time of his death.

But The Post has learned that a blue Mercedes-Benz was parked, unattended, on a short roadway leading to the park when police and ambulances arrived just after

6 p.m. It was still there a half-hour later.

Police say the Mercedes was simply disabled. A spokesman couldn't explain why that information was withheld from the press at the time of Foster's death.

■ Was a suicide note found?

No suicide note was found on his body, according to officials.

The White House gave police a note — torn in 27 pieces — that had been found in Foster's briefcase. They said it had been overlooked during an earlier police search.

The note detailed Foster's anguish over a number of issues, but made no mention of suicide.

not always

See POST on Page A1

Post

JANUARY 27, 1994

## Doubts over Foster's 'suicide'

FOSTER from Page 1.

looking carefully at Foster's hand.  
"His hand was wrapped around the grip of the gun," he said.

"The fingers were splayed — or 'pawing' blood," he said, which is an indication of death.

He said the barrel of the gun was perfectly perpendicular to Foster's leg.

His account of the positioning and condition of Foster's body was corroborated by other witnesses who examined the body and scene.

Two witnesses said the first cops who came upon Foster's body took a cursory look at the crime scene and declared the White House official an apparent suicide.

"They saw the gun," Gonzalez said. "But the cops' snap judgment."

The Post took Gonzalez's detailed observations to a medical examiner and several present and former New York City homicide investigators.

They said they would not have been so quick to come to a conclusion about Foster's death, because killers often try to make murders look like suicides.

"You treat it as a homicide, particularly if it is a VIP. In this case, until you can prove otherwise," said a city detective with more than 20 years experience with homicides.

"The dead body is the most accurate and honest witness you have. If you know how to 'interrogate' it," he said.

Almost all experts consulted by The Post said it would be impossible to render a judgment on Foster's death, particularly since the autopsy and other crime scene reports have not been released.

But all said some aspects of the crime scene — as described by Gonzalez — baffled them.

"This is a head wound. Usually there's tremendous amounts of blood, blood all over the place. It would be a mess," said a detective considered the city's best.

"There should be pools of blood. . . . Look at the gun — if it was the instrument of death, there would be blood on it. A .38 makes a powerful explosion. There's a backwash of blood and tissue."

Gonzalez and a law-enforcement official described the gun as clean.

The experts also said it was highly unusual that Foster was clutching the gun.

"In my 20 years in dealing with homicides, I've never seen someone shoot themselves in the mouth and still hold the gun firmly at his side," said a retired detective who spent most of his career investigating murders.

A prominent forensic pathologist added: "Normally when a person commits suicide, the gun doesn't end up in their hand. If the individual is gripping the gun, that would lead to thinking that possibly someone put the gun in his hand."

Also questioning the position of the gun was Vernon Gehrth, a former city detective who wrote a nationally recognized homicide investigation textbook.

"Under ordinary circumstances, after the firing, the gun is away from the person," Gehrth said, acknowledging that there are "rare" instances when the gun remains in the outside's hand.

Experts said a suicide gun can end up 20 feet away — thrown by a reflex action of the person committing suicide.

Witnesses remarked that Foster was sitting, sitting in the party, with the fatal shot fired.

It's hard to explain how he shot himself — putting the barrel in at a right angle to his arm — fired it, and [had] it land still in his hand at his side," a detective said.

Forensic experts and homicide detectives said the key to answering many questions could be found in the bullet — if the cops ever find it.

The White House did not respond to several requests for comment.

*said he didn't say, this and didn't see enough of the gun to be able to make this assessment*



## Who was mystery man in the white van?

FOSTER/From Page 1  
calls about Foster.

Another question — one that forensic pathologists and homicide experts find particularly puzzling — involves the positioning of Foster's hand and the gun that was found in it.

They wonder how the gun came to be clutched in Foster's hand — with fingers around the grip — after he had apparently used his thumb to fire a single fatal shot into his mouth.

They note that using the thumb to fire a suicide shot is normal — but it's highly unusual for the gun to then end up clutched in a normal position.

Last week, The Post reported that homicide experts found it strange that Foster's .38 Colt revolver had ended up clutched in his hand, which was lying neatly alongside his body.

They said in most cases the gun would be thrown from the hand either by reflex or by the force of the gun blast.

The White House, besieged by calls for comment about the questions raised by The Post, referred reporters to Dr. Cyril Wecht, a Pittsburgh pathologist.

Wecht told The Associated Press:

"You can get, in many of these instances, an instantaneous, spasmodic reflex, which is entirely involuntary, and the hand will clutch an object, in this case a gun."

He added: "Often, he fingers will tighten around the weapon."

But his explanation doesn't jibe with the park police account that Foster had fired the gun with his thumb.

Wecht, a former Democratic Senate candidate, fielded questions about Foster's death for the White House without benefit of the autopsy report.

The Post asked Dr. Lester Adelson, longtime medical examiner for Cleveland and a highly respected pathologist, if Wecht's explanation meshes with the park police account of Foster's death.

Adelson, who also hasn't seen the autopsy, said:

"I think that if a person shot himself in the mouth with a .38, they are not going to be able to carry out purposeful acts."

"Nature is honest. Use common sense," Adelson reasoned, questioning whether Foster could fire the gun with his thumb and then change his grip and move the weapon to his side.

Yet another question is why Foster would choose to die in Fort Marcy Park.

Experts say that there is usually some logic behind the selection of a suicide site.

FAIRFAX COUNTY FIRE AND RESCUE DEPARTMENT  
EVENT HISTORY  
HEADER RECORD

**EXHIBIT 8**

EVENT NUMBER: 932011315

| POLICE<br>EVENT NO. | EVENT<br>DATE | 911 CALL<br>TIME | ENTRY<br>TIME | DISPATCH<br>TIME | ENROUTE<br>TIME | ONSCENE<br>TIME | CLOSE<br>TIME |
|---------------------|---------------|------------------|---------------|------------------|-----------------|-----------------|---------------|
|                     | 07/20/93      | 18:02:18         | 18:02:26      | 18:03:07         | 18:03:45        | 18:09:58        | 18:40:43      |

| CLOSE<br>DATE | INCIDENT LOCATION          | SUBCENSUS | FIRE<br>BOX | MAP<br>GRID |
|---------------|----------------------------|-----------|-------------|-------------|
| 07/20/93      | 0 GEORGE WASHINGTON MEM PU | 470104    | 0148        | 0221        |

| DISPATCH<br>GROUP | LOCATION: CROSS REFERENCE | INITIAL<br>EVENT | ACTUAL<br>EVENT |
|-------------------|---------------------------|------------------|-----------------|
| F2                | -- TURKEY RUN NATL PARK   | ALS              | ALS             |

| CALLER NAME         | CALLER ADDRESS | CALLER<br>PHONE | CALLER<br>APT NO |
|---------------------|----------------|-----------------|------------------|
| NATIONAL PARK SERVI |                | 847-9872        |                  |

| EVENT<br>DESCRIPTION | RECOMMEND<br>PRIORITY | DISPATCH<br>PRIORITY | DISPOSITION<br>OF EVENT | ENTRY<br>TERMINAL | ENTRY<br>OPERATOR |
|----------------------|-----------------------|----------------------|-------------------------|-------------------|-------------------|
| ALS EMERGENCY        |                       | 1                    |                         | CT11              | 008114            |

| DISPATCH<br>TERMINAL | DISPATCH<br>OPERATOR | ADVISED<br>EVENT | CATCHUP<br>EVENT | PREMISE<br>HISTORY | CONTACT<br>CALLER | LOCATION<br>OF INTEREST | CALLER<br>ADVICE |
|----------------------|----------------------|------------------|------------------|--------------------|-------------------|-------------------------|------------------|
| FD01                 | 008168               |                  |                  | X                  | Y                 |                         |                  |

| EVENT<br>CANCEL | EVENT<br>CLOSED |
|-----------------|-----------------|
|                 | X               |

This is certified a true  
copy of the actual  
field incident report in  
possession of the Fairfax  
County Fire and Rescue  
Department

Signed Bonnie DiamanteDate 7-19-94

FAIRFAX COUNTY FIRE AND RESCUE DEPARTMENT  
EVENT HISTORY  
-HEADER RECORD

EVENT NUMBER: F32011493

| POLICE<br>EVENT #01 | EVENT<br>DATE | 911 CALL<br>TIME | ENTRY<br>TIME | DISPATCH<br>TIME | ENROUTE<br>TIME | ONSCENE<br>TIME | CLOSE<br>TIME |
|---------------------|---------------|------------------|---------------|------------------|-----------------|-----------------|---------------|
|                     | 07/20/93      | 19:45:13         | 19:45:17      | 19:45:37         | 19:47:31        | 20:02:25        | 21:18:29      |

| CLOSE<br>DATE | INCIDENT LOCATION          | SUBCENSUS | FIRE<br>BOX | MAP<br>GRID |
|---------------|----------------------------|-----------|-------------|-------------|
| 07-20-93      | 3 GEORGE WASHINGTON MEM RD | 470104    | 1148        | 0221        |

| DISPATCH<br>GROUP | LOCATION: CROSS REFERENCE | INITIAL<br>EVENT | ACTUAL<br>EVENT |
|-------------------|---------------------------|------------------|-----------------|
| F2                | -- TURKEY RUN NATL PARK   | CODE4            | CODE4           |

| CALLER NAME | CALLER ADDRESS | CALLER<br>PHONE | CALLER<br>APT NO |
|-------------|----------------|-----------------|------------------|
|-------------|----------------|-----------------|------------------|

US PARK

| EVENT<br>DESCRIPTION | RECOMMEND<br>PRIORITY | DISPATCH<br>PRIORITY | DISPOSITION<br>OF EVENT | ENTRY<br>TERMINAL | ENTRY<br>OPERATOR |
|----------------------|-----------------------|----------------------|-------------------------|-------------------|-------------------|
| CODE 4 TRANSPORT     | 3                     | 3                    |                         | F001              | 007764            |

| DISPATCH<br>TERMINAL | DISPATCH<br>OPERATOR | ADVISED<br>EVENT | CATCHUP<br>EVENT | PREMISE<br>HISTORY | CONTACT<br>CALLER | LOCATION<br>OF INTEREST | CALLER<br>ADVICE |
|----------------------|----------------------|------------------|------------------|--------------------|-------------------|-------------------------|------------------|
| F001                 | 007764               |                  |                  | X                  | Y                 |                         |                  |

| EVENT<br>CANCEL | EVENT<br>CLOSED |
|-----------------|-----------------|
|-----------------|-----------------|

This is certified a true  
copy of the actual  
field incident report in  
possession of the Fairfax  
County Fire and Rescue  
Department  
Signed Donnie Diamante  
Date 7-19-94





FAIRFAX  
COUNTY

EXHIBIT 9

OFFICE OF THE COUNTY ATTORNEY  
12000 Government Center Parkway, Suite 549  
Fairfax, Virginia 22035-0064

Telephone: 324-2421

Fax: 324-3938

V I R G I N I A

July 20, 1994

Chairman Donald W. Riegle, Jr.  
United States Senate  
Committee on Banking, Housing, and  
Urban Affairs  
Washington, D.C. 20510-6075

Dear Chairman Riegle:

In accordance with your letter of July 14, 1994,  
enclosed please find the documents requested of the Fairfax  
County Fire and Rescue Department.

Please contact me if you have any questions.

Very truly yours,

David P. Bobzien  
County Attorney

DPB:tld.806  
Enclosures

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

TO: David P. Bobzien  
County Attorney

DATE: July 19, 1994

FROM: Catherine A. Riley-Hall, Supervisor  
Data and Information Section  
Support Services Division

SUBJECT: Request for Information from the Senate Committee on Banking, Housing and Urban Affairs

Attached please find the information requested by the Senate Committee on Banking, Housing and Urban Affairs concerning the Fire and Rescue Department response of July 20, 1993 to the incident occurring at Fort Marcy Park on the George Washington Memorial Parkway involving Vincent Foster. This request was dated July 14, 1994 and received via facsimile from Mr. Roman Darmer, staff from this committee, on July 19, 1994.

The request was for all records that relate to this incident, records relating to the activities of specified employees, a listing of the records submitted and identification of others who have been provided with records pertaining to this incident. Attached are the three types of records that exist on any event (incident reports, event history records, and unit history printouts) for incidents #932011315 and #932011483, the listing of records submitted and a listing of other parties who have requested records pertaining to this event. I have also included decoding guides to aid in the interpretation of the codes used on the incident records and have decoded the employee identification numbers.

It is my understanding that you will coordinate the delivery of the requested documents to the Senate Committee. Please do not hesitate to call me if you have any questions or if there is more that I can do. I can be reached at 246-3967.

CRH/cr

- Attachments:
1. Event, Incident and Unit Records for Incident #932011315
  2. Event, Incident and Unit Records for Incident #932011483
  3. Decoding Guides
  4. Decoded Employee Identification Numbers
  5. Listing of Submitted Documents
  6. Listing of Previous FOIA Requests

cc/enc 4-6: Deputy Chief John J. Brown, Jr., Support Services Division  
Kathy Simmons, Public Information Officer III, Life Safety Education, Office of the Fire Chief

**List of Fairfax County Fire and Rescue Department  
Submitted Documents**

The following records have been retrieved from the mainframe computer system where they reside and printed:

- Event History Header Record for Incident 932011315
- Event History Dispatch Record for Incident 932011315
- Incident Report #932011315 for Engine Company 1 (E01)
- Incident Report #932011315 for Medic Unit 1 (M01)
- Unit History Printout for July 20, 1993 for Engine 1
- Unit History Printout for July 20, 1993 for Medic 1
- Event History Header Record for Incident 932011483
- Event History Dispatch Record for Incident 932011483
- Incident Report #932011483 for Ambulance 1 (A01)
- Incident Report #932011315 for Truck 1 (T01P)
- Unit History Printout for July 20, 1993 for Ambulance 1
- Unit History Printout for July 20, 1993 for Truck 1

**Decoded Fairfax County Fire and Rescue Department Employee Identification Numbers**

| <b>Unit</b> | <b>EIN</b>   | <b>Name</b>                                 |
|-------------|--------------|---------------------------------------------|
| <b>E01</b>  | <b>47518</b> | <b>Technician Ralph M. Pisani</b>           |
|             | <b>47253</b> | <b>Lieutenant James A. Iacone</b>           |
| <b>M01</b>  | <b>47395</b> | <b>Technician Todd S. Hall</b>              |
|             | <b>47252</b> | <b>Sergeant EMS George O. Gonzalez, Jr.</b> |
|             | <b>47552</b> | <b>Technician EMS Richard M. Arthur</b>     |
| <b>A01</b>  | <b>49571</b> | <b>Firefighter Roger F. Harrison</b>        |
|             | <b>47581</b> | <b>Technician EMS Corey L. Ashford</b>      |
| <b>T01P</b> | <b>49702</b> | <b>Technician James D. Sutton, Jr.</b>      |
|             | <b>49369</b> | <b>Lieutenant William J. Bianchi</b>        |
|             | <b>47194</b> | <b>Technician Andrew Makuch</b>             |

**FAIRFAX COUNTY FIRE AND RESCUE DEPARTMENT  
ONLINE FIRES INCIDENT REPORT  
DECODING GUIDE**

**VERSION 1.40**

**SUPPRESSION CODES FOR ALL INCIDENT REPORTS / SELECTED FIELDS**

**DAY:      Day of the Week**

|              |            |              |               |
|--------------|------------|--------------|---------------|
| 1 = Sunday   | 2 = Monday | 3 = Tuesday  | 4 = Wednesday |
| 5 = Thursday | 6 = Friday | 7 = Saturday |               |

**SITUATION:   Situation**

- 11 Structure fire - included are fires in a structure whether or not there was damage to the structure itself, e.g. food on the stove. Ignition must have occurred. If ignition did not occur, report as Code 25.
- 12 Fire in a mobile property being used as a structure (mobile home, motor home, camper, etc.).
- 13 Fire in a mobile property while inside a structure.
- 14 Vehicle fire outside a structure.
- 15 Brush fire.
- 16 Dumpster fire, other outside trash fire.
- 17 Outside spill/leak with fire.
- 19 Explosion with fire (if no fire, use Code 24).
- 24 Explosive detonation, no fire.
- 25 Overheated object (furnace motor, blower, toaster, etc.).
- 29 Overpressure, relief valve activation, no fire.
- 32 EMS Incident.
- 33 EMS Incident requiring forcible entry other than extrication. Use this code on lock-ins.
- 34 Search and Rescue - non fire related.
- 35 People trapped, caught, buried - use on vehicle accidents with entrapment, rescue from above/below grade, elevator rescue, etc.
- 36 Drowning, potential drowning, ice rescue.
- 37 Electrocution.
- 39 Other rescue.
- 41 Flammable spill/leak - no fire. If fire involved use Code 17.
- 42 Chemical spill/leak - no fire. If fire involved use Code 17.
- 43 Radioactive condition.
- 44 Power line down, arcing, or other electrical incident not involving fire, electrocution, or lightning strikes.
- 46 Vehicle accident, railroad incident, helicopter standby related to an incident, plane crash, hazardous incident involving a vehicle, boat.
- 47 Explosives incident - no fire or detonation. If fire or detonation occurred, use Codes 19 or 24.
- 48 Attempted burning, illegal action - incendiary device failed to function.
- 49 Hazardous condition - other.
- 51 Person in distress - locked out, needing a ring removed, needing assistance back to bed.
- 52 Water problem - excluding flood from natural disaster (Code 82).
- 55 Provided police with assistance.
- 56 Unauthorized burning of trash/debris.
- 57 Transfer to other Fire Station or Fire Dept. standby, non-incident related (see below for explanation).
- 59 Service call - other.

**FAIRFAX COUNTY FIRE AND RESCUE DEPARTMENT  
ONLINE FIRES INCIDENT REPORT  
DECODING GUIDE**

**VERSION 1.40**

**SITUATION (Continued)**

- 61 Incident cleared prior to arrival - NOTE: For prime reporting unit (1st due) only, all others use code 90.
- 63 Authorized controlled burning.
- 64 Smoke in the area, investigation.
- 67 Haz Mat investigation with no hazardous condition.
- 71 Malicious false alarm.
- 72 Bomb scare - if bomb found use Code 47.
- 73 Malfunctioning fire alarm.
- 74 Unintentional or accidental activation of a fire alarm.
- 79 False call - other.
- 82 Flood.
- 83 Wind storm - severe thunderstorm, hurricane, tornado.
- 84 Lightning strike, no ensuing fire.
- 89 Natural disaster - other.
- 90 Assisted prime reporting unit.
- 91 Citizen's complaint, code violation.
- 99 Other incident - specify in narrative.

**UNIT ACTIONS TAKEN: Unit Actions Performed**

- 11 Rescue, ventilation, extinguishment, salvage, overhaul
- 12 Ventilation, extinguishment, salvage, and overhaul
- 14 Salvage and/or overhaul
- 15 Extinguishment
- 16 Ventilation of smoke or chemical gases
- 17 Establish wildfire fire lines, setting backfires, and clearing firebreaks
- 18 Checked for extension of the fire
- 19 Laddered the structure
- 20 Performed rooftop ventilation
- 21 Performed primary or secondary search
- 22 Controlled utilities (including power/gas to one appliance)
- 23 Protected exposures
- 24 Laid supply lines, performed water supply functions
- 25 Operated small handline(s)
- 26 Operated large handline(s)
- 27 Operated aerial stream(s)
- 28 Operated master stream(s)
- 29 Hooked to sprinkler/standpipe system
- 30 Performed size up
- 31 Rescue from harm
- 32 Extricated, disentangled
- 33 Provided emergency medical service
- 34 Provided manpower
- 35 Performed non-fire search activities

FAIRFAX COUNTY FIRE AND RESCUE DEPARTMENT  
ONLINE FIRES INCIDENT REPORT  
DECODING GUIDE

VERSION 1.40

UNIT ACTIONS TAKEN (Continued)

- 36 Transport to medical facility
- 37 Forced entry
- 38 Gained entry (slim jim, open window, etc.)
- 39 Performed technical rescue operation(s) (rope rescue, shoring, removal from trench/building collapse, etc.)
- 40 Contained spill, controlled leak
- 41 Removed hazard
- 42 Identified or analyzed hazardous materials
- 43 Evacuated area
- 44 Established safe area, control zone
- 45 Monitor/sample for hazardous materials
- 46 Performed decontamination of persons/equipment
- 47 Decontamination of occupancy/area, clean-up of haz mat
- 48 Provided technical assistance to the incident commander
- 49 Established landing zone
- 50 Provided scene lighting
- 51 Assisted invalid(s)
- 52 Stand by at fire station (transfer)
- 53 Stand by at incident scene, stand by in staging
- 54 Removed water, hazards associated with water
- 55 Restored sprinkler or protection system
- 56 Restored/reset alarm system
- 57 Assisted animal
- 58 Investigated fire alarm activation
- 59 Provided breathing air supply
- 61 Crowd control
- 62 Traffic control
- 63 Notified other agencies or utility companies
- 64 Provided public, owner, or media with information
- 65 Established command post, incident commander
- 66 Performed administrative duties at command post
- 67 Sector command, position in incident command system
- 71 Investigated situation
- 72 Responding unit cancelled enroute, placed in service
- 73 Shut down alarm system
- 74 Provided technical/logistical assistance to police
- 81 Referred to private enterprise (electrician, plumber)
- 82 Secured property
- 91 Issued Notice of Violation (code enforcement)
- 92 Referred to proper authority
- 97 Haz Mat investigation, materials non-hazardous
- 98 No action taken
- 99 Other unit action not listed
- 00 Unit action unknown

**FAIRFAX COUNTY FIRE AND RESCUE DEPARTMENT  
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**EMS INCIDENT REPORTS - PATIENT INFORMATION SELECTED FIELDS**

**RACE:    Race**

W    White  
B    Black  
O    Other  
U    Unknown

**SEX:    Sex**

M    Male  
F    Female  
U    Unknown

**AID GIVEN:    Aid Given**

A    Assessment/Vital Signs  
B    Oropharyngeal/Nasopharyngeal Airway, or Attempted  
C    Esophageal Airway, or Attempted  
D    Endotracheal/Nasotracheal Intubation, or Attempted  
E    Oxygen  
F    Ventilation  
G    Airway Management-Suction, Heimlich Maneuver, Foreign Body Removed  
H    Cricothyroidotomy  
I    Needle Chest Decompression  
J    Blood Sugar Test  
K    IV(s), or attempted  
L    Bloods Drawn  
M    Administer Medications  
N    EKG Monitoring  
O    CPR  
P    Defibrillation/Cardiovert  
Q    Electrical Pacing  
R    Precordial Thump  
S    Mast, Inflated  
T    Irrigation/Flush  
U    Burn Treatment  
V    Controlled Bleeding  
W    Dressed/Bandaged  
X    Extrication/Short Board/KED  
Y    Spinal Immobilization  
Z    Cervical Immobilization



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**AID GIVEN (Continued)**

- 0 Limb Splints/Traction Splint
- 1 Warming/Hot Pack/Cooling/Cold Pack
- 2 Psychological Assistance
- 3 Infection Control Procedures
- 4 Decontaminated
- 5 OB Delivery
- 6 Positioned Patient (Shock, Lateral Recumbent, etc.)
- 7 Restrained
- 8 Temperature Taken
- 9 Other (explain in narrative)

**CASE SEVERITY:**      **Severity of the Patient's Condition**

- 1 CRITICAL - VITAL SIGNS ARE UNSTABLE AND NOT WITHIN NORMAL LIMITS, THERE ARE MAJOR COMPLICATIONS AND DEATH MAY BE IMMINENT.
- 2 SERIOUS - ACUTELY ILL, VITAL SIGNS MAY BE UNSTABLE OR NOT WITHIN NORMAL LIMITS.
- 3 MODERATE - VITAL SIGNS ARE STABLE AND WITHIN NORMAL LIMITS, PATIENT IS CONSCIOUS, BUT IS UNCOMFORTABLE OR MAY HAVE MINOR COMPLICATIONS.
- 4 MINOR - VITAL SIGNS ARE STABLE AND WITHIN NORMAL LIMITS, PATIENT IS CONSCIOUS AND COMFORTABLE.
- 5 DOA.
- 6 NO SIGNIFICANT MEDICAL CONDITION.

**OUTCOME:**      **Outcome**

- 1 No Change
- 2 Patient Improved Slightly
- 3 Patient Improved Greatly
- 4 Patient Deteriorated Slightly
- 5 Patient Deteriorated Greatly

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**CTRHOSP:                    Control Hospital**  
**DESTINATION:           Destination**

|                                |    |
|--------------------------------|----|
| ACCESS OF RESTON .....         | 01 |
| ACCESS OF FAIRFAX .....        | 15 |
| ALEXANDRIA CCU .....           | 02 |
| ALEXANDRIA ED .....            | 03 |
| ALEXANDRIA ICU .....           | 04 |
| ALEXANDRIA OB .....            | 05 |
| ALEXANDRIA OTHER .....         | 06 |
| ANDREWS AIR FORCE BASE .....   | 07 |
| ARLINGTON CCU .....            | 08 |
| ARLINGTON ED .....             | 09 |
| ARLINGTON ICU .....            | 10 |
| ARLINGTON OTHER .....          | 11 |
| BETHESDA NAVAL .....           | 12 |
| CHILDRENS .....                | 13 |
| DEWITT ARMY .....              | 19 |
| FAIR OAKS CCU .....            | 20 |
| FAIR OAKS ED .....             | 21 |
| FAIR OAKS ICU .....            | 22 |
| FAIR OAKS OTHER .....          | 23 |
| FAIRFAX CCU .....              | 24 |
| FAIRFAX ED/TRAUMA .....        | 25 |
| FAIRFAX ICU .....              | 26 |
| FAIRFAX MORGUE .....           | 14 |
| FAIRFAX NEONATAL .....         | 27 |
| FAIRFAX OB .....               | 28 |
| FAIRFAX OTHER .....            | 29 |
| GEORGE WASHINGTON .....        | 30 |
| GEORGETOWN .....               | 31 |
| JEFFERSON .....                | 32 |
| LANDING ZONE .....             | 33 |
| LOUDOUN .....                  | 34 |
| MEDICAL CLINIC .....           | 35 |
| MEDSTAR .....                  | 36 |
| MENTAL HEALTH .....            | 37 |
| MEDICAL EXAMINERS OFFICE ..... | 15 |
| MT. VERNON ED .....            | 38 |
| MT. VERNON CCU .....           | 39 |
| MT. VERNON ICU .....           | 40 |
| MT. VERNON HYPERBARIC .....    | 41 |
| MT. VERNON OTHER .....         | 42 |

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**CTRHOSP/DESTINATION (Continued)**

|                                   |    |
|-----------------------------------|----|
| NONE .....                        | 43 |
| NATIONAL HOSPITAL .....           | 44 |
| NO. VA. DOCTORS ED .....          | 45 |
| NO. VA. DOCTORS CCU .....         | 46 |
| NO. VA. DOCTORS ICU .....         | 47 |
| NO. VA. DOCTORS OTHER .....       | 48 |
| OTHER (SPECIFY IN NARRATIVE) ...  | 49 |
| PHYSICIAN (OFFICE, ON SCENE) .... | 50 |
| POTOMAC .....                     | 51 |
| PRINCE WILLIAM .....              | 52 |
| PRIVATE RESIDENCE .....           | 53 |
| RESTON CCU .....                  | 54 |
| RESTON ED .....                   | 55 |
| RESTON ICU .....                  | 56 |
| RESTON OTHER .....                | 57 |
| SAINT ELIZABETHS .....            | 58 |
| SIBLEY .....                      | 59 |
| SUBURBAN .....                    | 60 |
| VETERANS .....                    | 61 |
| WALTER REED .....                 | 62 |
| WASHINGTON HOSP. CENTER BURN UN63 |    |
| WASHINGTON HOSP. CENTER OTHER     | 64 |

**COMM: Mode of Communications**

- 0 PERSONAL (FACE TO FACE)
- 1 VOICE RADIO
- 2 MEDICAL TELEMETRY RADIO
- 3 CELLULAR PHONE
- 4 REGULAR PHONE
- 5 RELAYED THROUGH PSCC
- 6 DIGITAL OR COMPUTER
- 7 TWO OR MORE OF THE ABOVE
- 8 OTHER
- 9 N/A

**QUALITY: Quality of Communications**

- 1 COMMUNICATION SATISFACTORY
- 2 COMMUNICATION UNSATISFACTORY
- 3 COMMUNICATION SATISFACTORY, TELEM. SATISFACTORY
- 4 COMMUNICATION SATISFACTORY, TELEM. UNSATISFACTORY
- 5 COMMUNICATION UNSATISFACTORY, TELEM. SATISFACTORY
- 6 COMMUNICATION UNSATISFACTORY, TELEM. UNSATISFACTORY
- 9 N/A

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**PSCC DIR:    PSCC Directed Pre-Arrival Treatment**

- 0    CPR instructions
- 1    Rescue breathing instructions
- 2    Heimlich maneuver
- 3    Hemorrhage control
- 4    Other first aid procedure

**PT REFUSAL:   Patient Refused Services**

- 1    PATIENT REFUSED ALL SERVICE
- 2    PATIENT ASSESSED, REFUSED TREATMENT AND/OR TRANSPORT
- 3    PATIENT ASSESSED AND TREATED, REFUSED TRANSPORT
- 4    PARENT/GUARDIAN REFUSED ALL SERVICE
- 5    PATIENT ASSESSED, PARENT/GUARDIAN REFUSED TREATMENT AND/OR TRANSPORT
- 6    PATIENT ASSESSED AND TREATED, PARENT/GUARDIAN REFUSED TRANSPORT
- 7    APPROPRIATE REFUSAL BY PATIENT, PARENT OR GUARDIAN

**CX:        Level of Consciousness**

- 1    CONSCIOUS AND ALERT
- 2    COMBATIVE
- 3    HYSTERICAL
- 4    CONSCIOUS, CONFUSED, DISORIENTED, OR INAPPROPRIATE RESPONSE
- 5    UNCONSCIOUS BUT RESPONDS TO VERBAL STIMULI
- 6    UNCONSCIOUS BUT RESPONDS TO PAINFUL STIMULI
- 7    UNCONSCIOUS AND UNRESPONSIVE
- 8    CLINICALLY DEAD, NO VITAL SIGNS

**EKG-F:   Field Electrocardiogram**

|                                           |    |
|-------------------------------------------|----|
| NORMAL SINUS RHYTHM .....                 | 01 |
| PACED RHYTHM, NORMAL .....                | 02 |
| SINUS ARRHYTHMIA .....                    | 03 |
| SINUS TACHYCARDIA .....                   | 04 |
| PREMATURE ATRIAL CONTRACTION .....        | 05 |
| WANDERING PACEMAKER .....                 | 06 |
| SINOATRIAL ARREST/BLOCK .....             | 07 |
| PREMATURE AV JUNCTIONAL CONTRACTION ..... | 08 |
| ATRIAL FLUTTER .....                      | 09 |
| ATRIAL FIBRILLATION .....                 | 10 |

**FAIRFAX COUNTY FIRE AND RESCUE DEPARTMENT  
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**EKG-F (Continued)**

|                                                           |    |
|-----------------------------------------------------------|----|
| PAROXYSMAL ATRIAL TACHYCARDIA (PAT or SVT) .....          | 11 |
| FIRST DEGREE HEART BLOCK .....                            | 12 |
| WOLFE-PARKINSON-WHITE SYNDROME .....                      | 13 |
| NONPAROXYSMAL AV JUNCTIONAL TACHYCARDIA .....             | 14 |
| PAROXYSMAL AV JUNCTIONAL TACHYCARDIA .....                | 15 |
| PREMATURE VENTRICULAR CONTRACTIONS, INSIGNIFICANT .....   | 16 |
| SINUS BRADYCARDIA .....                                   | 17 |
| SLOW JUNCTIONAL RHYTHM .....                              | 18 |
| SECOND DEGREE HEART BLOCK-MOBITZ TYPE 1 (WENKEBACH) ..... | 19 |
| SECOND DEGREE HEART BLOCK-MOBITZ TYPE 2 .....             | 20 |
| PREMATURE VENTRICULAR CONTRACTIONS, SIGNIFICANT .....     | 21 |
| VENTRICULAR TACHYCARDIA .....                             | 22 |
| PACED RHYTHM, ABNORMAL .....                              | 23 |
| COMPLETE (THIRD DEGREE) HEART BLOCK .....                 | 24 |
| VENTRICULAR FIBRILLATION .....                            | 25 |
| ELECTRO MECHANICAL DISSOCIATION .....                     | 26 |
| ASYSTOLE .....                                            | 27 |
| UNKNOWN, UNABLE TO INTERPRET, NOT TAKEN .....             | 99 |

**PUPIL: Condition of Pupils**

- 1 Pupils equal, midpoint, reaction normal
- 2 Pupils equal, midpoint, reaction abnormal
- 3 Pupils equal, constricted, reaction normal
- 4 Pupils equal, constricted, reaction abnormal
- 5 Pupils equal, dilated, reaction normal
- 6 Pupils equal, dilated, reaction abnormal
- 7 Pupils unequal, right larger
- 8 Pupils unequal, left larger
- 9 Not taken

**COLOR: Skin Color**

- 1 Normal
- 2 Pale
- 3 Cyanotic
- 4 Flushed
- 5 Cherry Red
- 6 Mottled
- 7 Post Mortem Lividity
- 8 Other (explain in narrative)
- 9 Not Taken

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**TEMP: Patient's Temperature**

- 1 NORMAL
- 2 WARM, TO THE TOUCH
- 3 HOT, TO THE TOUCH
- 4 HYPERTHERMIC, ABOVE 104° F
- 5 COOL, TO THE TOUCH
- 6 HYPOTHERMIC, BELOW 95° F
- 9 NOT TAKEN

**MOIST: Skin Moisture**

- 1 Normal
- 2 Dry, corresponds to ambient conditions
- 3 Dry, does not correspond to ambient conditions
- 4 Moist, corresponds to ambient conditions
- 5 Moist, does not correspond to ambient conditions
- 9 Not taken

**PRE-AID: Pre-Arrival Aid**

- 0 No pre-arrival CPR performed
- 1 Medical personnel, apparently effective
- 2 Citizen, apparently effective
- 3 Public safety personnel, apparently effective
- 4 Medical personnel, apparently ineffective or inappropriate
- 5 Citizen, apparently ineffective or inappropriate
- 6 Public safety personnel, apparently ineffective or inappropriate

**RESUS: Resuscitation**

- 1 RESPIRATORY ARREST, SUCCESSFUL
- 2 RESPIRATORY ARREST, UNSUCCESSFUL
- 3 WITNESSED CARDIAC ARREST, SUCCESSFUL
- 4 WITNESSED CARDIAC ARREST, UNSUCCESSFUL
- 5 CARDIAC ARREST N.O.S., SUCCESSFUL
- 6 CARDIAC ARREST N.O.S., UNSUCCESSFUL

(N.O.S. means Not Otherwise Stated)

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**SPECTX:      Special Transport**

- 1 FIRE DEPARTMENT VEHICLE (OTHER THAN AN ALS OR BLS UNIT)
- 2 AIR EVACUATION
- 3 PRIVATE AMBULANCE
- 4 BOAT
- 5 POLICE/GOVT. AGENCY (NOT OTHERWISE LISTED)
- 6 PRIVATE VEHICLE
- 7 BUS/TRUCK
- 8 SPECIAL TRANSPORT, OTHER THAN ABOVE

**ACT:      Actions Performed / Medications Given**

| <b><u>CODE</u></b> | <b><u>ACTION OR SKILL</u></b>            | <b><u>LISTED AS</u></b> |
|--------------------|------------------------------------------|-------------------------|
| 75                 | CARDIAC PACING                           | MILLIAMPS               |
| 04                 | CARDIOVERSION                            | WATTS/SEC               |
| 05                 | CAROTID MASSAGE                          | ATTEMPTS                |
| 06                 | CHEST DECOMPRESSION                      | ATTEMPTS                |
| 07                 | CRICOTHYROIDOTOMY                        | ATTEMPTS                |
| 08                 | DEFIBRILLATION                           | WATTS/SEC               |
| 01                 | EOA INSERTION                            | ATTEMPTS                |
| 02                 | ENDOTRACHEAL INTUBATION,<br>DIGITAL      | ATTEMPTS                |
| 03                 | ENDOTRACHEAL INTUBATION,<br>LARYNGOSCOPE | ATTEMPTS                |
| 09                 | IV, INTRAOSSEOUS                         | ATTEMPTS                |
| 10                 | IV, JUGULAR                              | ATTEMPTS                |
| 11                 | IV, PERIPHERAL                           | ATTEMPTS                |
| 12                 | NASOTRACHEAL INTUBATION                  | ATTEMPTS                |
| 13                 | NASOGASTRIC TUBE                         | ATTEMPTS                |
| 77                 | SALINE LOCK                              | ATTEMPTS                |
| 14                 | TRANSTRACHEAL JET INSUFFLATION           | ATTEMPTS                |
| 15                 | VALSALVA MANEUVER                        | ATTEMPTS                |

| <b><u>CODE</u></b> | <b><u>MEDICATIONS</u></b> | <b><u>AMOUNT</u></b> |
|--------------------|---------------------------|----------------------|
| 71                 | ADENOSINE                 | MG                   |
| 21                 | ALBUTEROL                 | ML                   |
| 16                 | ALUPENT, INHALATION       | MG                   |
| 17                 | AMINOPHYLLINE, IV         | MG                   |
| 18                 | AMYL NITRATE, INHALATION  | AMPULE               |
| 76                 | ASPIRIN                   | TABLETS              |
| 19                 | ATROPINE, ET              | MG                   |

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| <b><u>CODE</u></b> | <b><u>MEDICATIONS</u></b> | <b><u>AMOUNT</u></b> |
|--------------------|---------------------------|----------------------|
| 20                 | ATROPINE, IV              | MG                   |
| 22                 | BRETYLIUM, IV             | MG                   |
| 23                 | BENADRYL, IM              | MG                   |
| 24                 | BENADRYL, IV              | MG                   |
| 25                 | CALCIUM CHLORIDE, IV      | GM                   |
| 28                 | DEXTROSE 50%, IV          | GM                   |
| 29                 | DEXTROSE 5% & WATER, IV   | CC/MIN               |
| 30                 | DOPAMINE, IV              | MCG/KG/MIN           |
| 31                 | EPINEPHRINE 1:1,000, ET   | MG                   |
| 32                 | EPINEPHRINE 1:1,000, IV   | MG                   |
| 33                 | EPINEPHRINE 1:1,000, SQ   | MG                   |
| 34                 | EPINEPHRINE 1:10,000, ET  | MG                   |
| 35                 | EPINEPHRINE 1:10,000, IV  | MG                   |
| 36                 | GLUCAGON, IM              | MG                   |
| 37                 | HEXADROL, IV              | MG                   |
| 38                 | IPECAC, PO                | CC                   |
| 39                 | ISUPREL, IV               | MCG/KG/MIN           |
| 40                 | LACTATED RINGERS, IV      | CC/MIN               |
| 41                 | LASIX, IV                 | MG                   |
| 43                 | LIDOCAINE BOLUS, ET       | MG                   |
| 44                 | LIDOCAINE BOLUS, IM       | MG                   |
| 45                 | LIDOCAINE BOLUS, IV       | MG                   |
| 48                 | MORPHINE, IM              | MG                   |
| 49                 | MORPHINE, IV              | MG                   |
| 50                 | NARCAN, ET                | MG                   |
| 51                 | NARCAN, IM                | MG                   |
| 52                 | NARCAN, IV                | MG                   |
| 53                 | NITROGLYCERINE, TOPICAL   | INCHES               |
| 54                 | NITROSTAT, SL or SPRAY    | MG                   |
| 73                 | NITROUS OXIDE             | MIN                  |
| 72                 | OXYGEN                    | LITERS/MIN           |
| 55                 | PITOCIN, IV               | UNIT                 |
| 56                 | PROCARDIA, ORAL           | MG                   |
| 57                 | PROCAINAMIDE BOLUS, IV    | MG                   |
| 58                 | PROCAINAMIDE INFUSION, IV | MG/MIN               |
| 59                 | SALINE .9%, IV            | CC/MIN               |
| 60                 | SODIUM BICARBONATE, IV    | mEq                  |
| 61                 | SODIUM NITRITE, IV        | AMPULE               |
| 62                 | SODIUM THIOSULFATE, IV    | GM                   |
| 63                 | TERBUTALINE, NEBULIZER    | MG                   |
| 64                 | TERBUTALINE, SQ           | MG                   |



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| <b><u>CODE</u></b> | <b><u>MEDICATIONS</u></b> | <b><u>AMOUNT</u></b> |
|--------------------|---------------------------|----------------------|
| 65                 | THEOPHYLLINE, PO          | MG                   |
| 66                 | THIAMINE, IM              | MG                   |
| 67                 | THIAMINE, IV              | MG                   |
| 74                 | TORADOL                   | MG                   |
| 68                 | VALIUM, IM                | MG                   |
| 69                 | VALIUM, IV                | MG                   |
| 70                 | VERAPAMIL, IV             | MG                   |

**EXHIBIT 10****SUPPRESSION INCIDENT REPORT**

INCIDENT # 932011315 UNIT E01 SUPP 01 FBOX 0148 SUBCT 470104 MAP 0221  
 DATE 07/20/93 DAY 3 SHIFT A VEN # 0007 MILES TO INCIDENT 007  
 LOCATION 0 GEORGE WASHINGTON MEN PW APT #  
 SITUATION 90 UNIT ACTIONS A 30 0 35 C 71 0 98 E  
 ORV 47518 OIC 47253 FF 47729 FF FF FF FF  
 REPORT BY 47253 VEN20 ORV FF FF  
 VOL/STATION SP STUDY SP STUDY  
 UPDATE BY

**UNIT TIMES**

DISPATCH 18:03:08 ENROUTE 18:03:45 ONSCENE 18:09:58 ENRHOSP 00:00:00  
 ATHOSP 00:00:00 NEWSTAT 18:37:02

OIC:  
 JAMES  
 IACONE

This is certified a true  
 copy of the actual  
 field incident report in  
 possession of the Fairfax  
 County Fire and Rescue  
 Department

Signed Bonnie Diamantko

Date 7-19-94

## NARRATIVE REPORT

INCIDENT # 932011315 UNIT E01 SUPP 01 SEQ 1 SITF 90 DATE 07/20/93  
REPORTED ALS EMERGENCY AT FORT MARCY PARK. EXACT LOCATION UNKNOWN. UPON AR-  
RIVAL, SPLIT ENGINE AND MEDIC CREW TO PERFORM GROUND SEARCH FOR VICTIM AT  
THE REPORTED LOCATION. MEDIC 1'S CREW FOUND THE VICTIM. OBVIOUS DOA, NO  
FURTHER SERVICE FROM ENGINE COMPANY 1.

This is certified a true  
copy of the actual  
field incident report in  
possession of the Fairfax  
County Fire and Rescue  
Department

Signed Bonnie Diamantko

Date 7-19-94

FAIRFAX COUNTY FIRE AND RESCUE DEPARTMENT  
 EVENT HISTORY  
 DISPATCH RECORDS

**EXHIBIT 11**

EVENT NUMBER--P32011493

| COMMAND<br>TIME | NOT<br>ENTRY | COMMAND<br>CODE | TEXT                                    |
|-----------------|--------------|-----------------|-----------------------------------------|
| 19:45:17        |              | ENTRY           | US PARK REQUESTING TRANSPORT OF THE BOB |
| 19:45:17        |              | ENTRY           | Y                                       |
| 19:45:31        |              | UNREC           | A01                                     |
| 19:45:37        |              | DP              | A01 , CH1                               |
| 19:47:32        | *            | ENRTE           | (070004) A01                            |
| 19:53:37        |              | BACKER          | T01P                                    |
| 20:02:05        | *            | ONSCNE          | (077079) T01P                           |
| 20:08:33        |              | UTIMEX          | A01 ENROUTE TO ONSCENE                  |
| 20:08:45        |              | UTIMER          | A01                                     |
| 20:11:07        |              | ONSCNE          | A01                                     |
| 20:17:26        | *            | TRANS           | (070004) A01 05                         |
| 20:17:29        |              | TRANS           | (008134) A01 05                         |
| 20:17:47        | *            | TRANS           | (070004) A01 05                         |
| 20:21:27        | *            | AOR             | (077079) T01P @ 01 11                   |
| 20:30:55        | *            | ATHOSP          | (070004) A01                            |
| 20:59:28        | *            | AOR             | (070004) A01 @ 18 11                    |
| 21:18:39        |              | CLOSE           | (007682)                                |

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 copy of the actual  
 field incident report in  
 possession of the Fairfax  
 County Fire and Rescue  
 Department

Signed Bonnie DiamantkoDate 7-19-94

1097

EMS INCIDENT REPORT

EXHIBIT 12

INCIDENT # 932011483 UNIT A01 SUPP 01 FBOX 0148 SUBCT 470104 MAP 0221  
DATE 07/20/93 DAY 3 SHIFT A FPROP 109 HPROP 98 VEH # 0004 MILES 010  
LOCATION 0 GEORGE WASHINGTON MEM PU APT # RESPST 4 DISPST 1  
CAUSE PROBLEM 96 SITUATION 914 VEH ACTION TAKEN 4.....  
DRV EMP # 49571 DIC EMP # 47581 AID EMP # OTH EMP #  
REPORT BY EMP # 47581 VOL/STATION 00 SP STUDY SP STUDY  
UPDATE OPER

UNIT TIMES

DISPATCH 19:45:37 ENROUTE 19:47:32 ONSCENE 00:00:00 ENRHOSP 20:17:47  
ATHOSP 20:30:55 NEUSTAT 20:59:28

PATIENT INFORMATION

PT LAST NAME VINCENT FIRST FOSTER MI  
PT ADDRESS UNK APT #  
CITY UNK STATE UK ZIP CODE  
AGE 035 RACE W SEX M CAUSE PROBLEM 96 SITUATION 914 RESPST 4  
AID GIVEN 9 SCORE CASE SEVERITY 5 OUTCOME 1  
CRTHOSP 25 DESTINATION 14 COMM 5 QUALITY 1 PSCC DIR PT REFUSAL  
BP PUL RES CX 8 EKG-F EKG-M

| PUPIL 9      | COLOR 9 | TEMP 9 | MOIST 9 | PREAID  | RESUS | SPECTX    |
|--------------|---------|--------|---------|---------|-------|-----------|
| OR LAST NAME |         |        |         | PT HX # |       |           |
| ACT01        | AMT     | EMP #  | EFT     | ACT02   | AMT   | EMP # EFT |
| 03           |         |        |         | 04      |       |           |
| 05           |         |        |         | 06      |       |           |
| 07           |         |        |         | 08      |       |           |
| 09           |         |        |         | 10      |       |           |
| 11           |         |        |         | 12      |       |           |
| 13           |         |        |         | 14      |       |           |
| 15           |         |        |         | 16      |       |           |
| 17           |         |        |         | 18      |       |           |
| 19           |         |        |         | 20      |       |           |

OIC:  
CORSY  
ASHFORD

This is certified a true  
copy of the actual  
field incident report in  
possession of the Fairtax  
County Fire and Rescue  
Department

Signed Bonnie Diamante

Date 7-19-94

NARRATIVE REPORT

INCIDENT # 932011483 UNIT A01 SUPP 01 SEQ 1 SITF 914 DATE 07/20/93

WE TRANSPORTED BODY TO FAIRFAX HOURS

This is certified a true  
copy of the actual  
field incident report in  
possession of the Fairfax  
County Fire and Rescue  
Department

Signed Bonnie Diamantes

Date 7-14-94

1099

SUPPRESSION INCIDENT REPORT

**EXHIBIT 13**

INCIDENT # 932011315 UNIT T01P SUPP 01 FBOX 0148 SUBCT 470104 MAP 0221  
DATE 07/20/93 DAY 3 SHIFT A VEH # 7079 MILES TO INCIDENT 007  
LOCATION 0 GEORGE WASHINGTON MEM PU APT #  
SITUATION 90 UNIT ACTIONS A 34 B C D E  
DRV 49702 OIC 49369 FF 47194 FF FF FF FF  
REPORT BY 49369 VEH2# DRV FF FF  
VOL/STATION SP STUDY SP STUDY  
UPDATE BY

UNIT TIMES

DISPATCH 00:00:00 ENROUTE 00:00:00 ONSCENE 00:00:00 ENRHOSP 00:00:00  
ATHOSP 00:00:00 NEWSTAT 00:00:00

OIC:

BILL  
BIANCHI

This is certified a true  
copy of the actual  
field incident report in  
possession of the Fairfax  
County Fire and Rescue  
Department

Signed Bonnie Diamante

Date 7-19-94

1100

NARRATIVE REPORT

INCIDENT # 932011315 UNIT T01P SUPP 01 SEQ 1 SITF 90 DATE 07/20/93

ASSISTED AMBULANCE ONE ON A CODE 4 TRANSPORT. BODY WAS SEVERAL HUNDRED YARDS  
BACK IN THE WOODS. AMBULANCE CREW HAD BODY IN BODY BAG AND ZIPPED UP AT THE  
TIME OF OUR ARRIVAL.

This is certified a true  
copy of the actual  
field incident report in  
possession of the Fairfax  
County Fire and Rescue  
Department

Signed Donnie Diamante

Date 7-19-94



7513 04/2/1983 - 04/2/1983

— 242 —

[illegible]

This is certified a true  
copy of the actual  
field incident report in  
possession of the Fairfax  
County Fire and Rescue  
Department  
Signed Bonnie Diamantko  
Date 7-1994

LOG HISTORY PRINTOUT

10:49 Tuesday, July 17

PERIOD: July 20, 1993 - July 21, 1993

UNIT STATUS  
CONTINUED:

| UNIT | LOGON<br>DATE | LOGON<br>TIME | COMMAND<br>TIME | LOGOFF<br>TIME | LOGOFF<br>DATE | VEHICLE<br>NUMBER | LOG<br>ID | ENTR<br>TYPE | LOGOFF<br>CODE | TEXT                                    |
|------|---------------|---------------|-----------------|----------------|----------------|-------------------|-----------|--------------|----------------|-----------------------------------------|
| 001  | 07/20/93      |               | 19:03:00        |                |                |                   |           |              | ----           | 4 MEN 50                                |
| 001  | 07/20/93      |               | 19:03:00        |                |                |                   |           |              | EP             | CH1                                     |
| 001  | 07/20/93      |               | 19:03:54        |                |                |                   |           |              | ENRTE          |                                         |
| 001  | 07/20/93      |               | 19:10:16        |                |                |                   |           |              | ONSCH          |                                         |
| 001  | 07/20/93      |               | 19:19:46        |                |                |                   |           |              | NISC           | OBVIOUS 10-61 SUICIDE W/ GUN            |
| 001  | 07/20/93      |               | 19:37:10        |                |                |                   |           |              | ADR            | 9 01 11                                 |
| 001  | 07/20/93      |               | 19:45:29        |                |                |                   |           |              | ADR            |                                         |
| 001  | 07/21/93      | 4:15:46       |                 | 4:16:00        | 07/21/93       | 07-272            | 700       |              |                | 1998 FORD F350 AMBULANCE                |
| 001  | 07/21/93      |               | 0:02:17         |                |                |                   |           |              | DATE           | 07/21/93                                |
| 001  | 07/21/93      |               | 0:05:20         |                |                |                   |           |              | ----           | 07/21/93 00000 LALS 6307 OLD DOMINION   |
| 001  | 07/21/93      |               | 0:05:20         |                |                |                   |           |              | ----           | 00                                      |
| 001  | 07/21/93      |               | 0:05:30         |                |                |                   |           |              | EP             | CH1                                     |
| 001  | 07/21/93      |               | 0:07:54         |                |                |                   |           |              | ENRTE          |                                         |
| 001  | 07/21/93      |               | 0:12:43         |                |                |                   |           |              | ONSCH          |                                         |
| 001  | 07/21/93      |               | 0:36:09         |                |                |                   |           |              | TRANS          | 00                                      |
| 001  | 07/21/93      |               | 0:39:36         |                |                |                   |           |              | ATHOSP         |                                         |
| 001  | 07/21/93      |               | 1:03:26         |                |                |                   |           |              | ADR            | 9 01 11                                 |
| 001  | 07/21/93      |               | 1:05:13         |                |                |                   |           |              | ADR            |                                         |
| 001  | 07/21/93      |               | 4:15:46         |                |                |                   |           |              | ----           | 07/21/93 LOGON 0076273 1998 FORD F350 A |
| 001  | 07/21/93      |               | 4:15:46         |                |                |                   |           |              | ----           | AMBULANCE N=7C3 0F2                     |
| 001  | 07/21/93      |               | 4:16:03         |                |                |                   |           |              | ----           | 07/22/93 LOGOFF                         |
| 001  | 07/21/93      |               | 6:01:56         |                |                |                   |           |              | P1             | 07/21/93 00253 LALS 600 GREENWICH       |
| 001  | 07/21/93      |               | 6:01:56         |                |                |                   |           |              | P1             | ST                                      |
| 001  | 07/21/93      |               | 6:01:56         |                |                |                   |           |              | OP             |                                         |
| 001  | 07/21/93      |               | 6:02:00         |                |                |                   |           |              | NISC           | CHANNEL 3                               |
| 001  | 07/21/93      |               | 6:03:50         |                |                |                   |           |              | ENRTE          |                                         |
| 001  | 07/21/93      |               | 6:11:22         |                |                |                   |           |              | ONSCH          |                                         |
| 001  | 07/21/93      |               | 6:29:58         |                |                |                   |           |              | TRANS          | 25                                      |
| 001  | 07/21/93      |               | 6:41:11         |                |                |                   |           |              | ATHOSP         |                                         |
| 001  | 07/21/93      |               | 7:03:40         |                |                |                   |           |              | ADR            | 9 01 11                                 |
| 001  | 07/21/93      |               | 7:10:00         |                |                |                   |           |              | ADR            | 9 01 11                                 |
| 001  | 07/21/93      |               | 7:13:01         |                |                |                   |           |              | ADR            |                                         |
| 001  | 07/21/93      |               | 8:17:00         |                |                |                   |           |              | ----           | 07/21/93 00407 LALS 6307 OLD DOMINION   |
| 001  | 07/21/93      |               | 8:17:00         |                |                |                   |           |              | ----           | 00                                      |
| 001  | 07/21/93      |               | 8:17:00         |                |                |                   |           |              | OP             | CH-1                                    |
| 001  | 07/21/93      |               | 8:19:00         |                |                |                   |           |              | ENRTE          |                                         |
| 001  | 07/21/93      |               | 8:27:36         |                |                |                   |           |              | TRANS          | 00                                      |
| 001  | 07/21/93      |               | 8:35:53         |                |                |                   |           |              | ATHOSP         |                                         |
| 001  | 07/21/93      |               | 9:59:40         |                |                |                   |           |              | ADR            | 9 01 11                                 |
| 001  | 07/21/93      |               | 9:24:14         |                |                |                   |           |              | ADR            |                                         |
| 001  | 07/21/93      |               | 10:35:39        |                |                |                   |           |              | ----           | 07/21/93 00501 LALS 1350 MACBETH ST     |
| 001  | 07/21/93      |               | 10:35:39        |                |                |                   |           |              | OP             | CH-1                                    |
| 001  | 07/21/93      |               | 10:35:53        |                |                |                   |           |              | ENRTE          |                                         |
| 001  | 07/21/93      |               | 10:42:55        |                |                |                   |           |              | ONSCH          |                                         |
| 001  | 07/21/93      |               | 10:52:40        |                |                |                   |           |              | TRANS          | 00                                      |
| 001  | 07/21/93      |               | 11:07:19        |                |                |                   |           |              | ATHOSP         |                                         |
| 001  | 07/21/93      |               | 11:31:35        |                |                |                   |           |              | ADR            | 9 01 11                                 |
| 001  | 07/21/93      |               | 11:39:56        |                |                |                   |           |              | ADR            |                                         |

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County Fire and Rescue  
Department

Signed Bonnie Diamante  
JUL 19 1994

JLT HISTORY PRINTOUT

PERIOD: July 21 1993 - July 21 1993

Unit name:  
Institution:

| UNIT | LOGON<br>DATE | LOGON<br>TIME | COMMAND<br>TIME | LOGOFF<br>TIME | LOGOFF<br>DATE | VEHICLE<br>NUMBER | ATT<br>IC | ATT<br>PAGE | COMMAND<br>CODE | TEXT                                    |
|------|---------------|---------------|-----------------|----------------|----------------|-------------------|-----------|-------------|-----------------|-----------------------------------------|
| 001  | 07-21-93      |               | 15:19:12        |                |                |                   |           |             | 001             | 1 01 11                                 |
| 001  | 07-21-93      |               | 15:34:38        |                |                |                   |           |             | 0000            | 07-21-93 01:12 1 413 1200 GREENSBORO GA |
| 001  | 07-21-93      |               | 15:34:39        |                |                |                   |           |             | 00              | 11                                      |
| 001  | 07-21-93      |               | 15:37:50        |                |                |                   |           |             | 0000            | 11                                      |
| 001  | 07-21-93      |               | 15:59:25        |                |                |                   |           |             | 000             | 1 07 11                                 |
| 001  | 07-21-93      |               | 15:59:47        |                |                |                   |           |             | 000             | 1 01 11                                 |
| 001  | 07-21-93      |               | 16:00:03        |                |                |                   |           |             | 000             | 1 07 11                                 |
| 001  | 07-21-93      |               | 17-01:32        |                |                |                   |           |             | 0000            | 07-21-93 01:01 1 413 1200 GREENSBORO GA |
| 001  | 07-21-93      |               | 17-01:32        |                |                |                   |           |             | 00              | 11                                      |
| 001  | 07-21-93      |               | 17-02:14        |                |                |                   |           |             | 0000            | 11                                      |
| 001  | 07-21-93      |               | 17-04:01        |                |                |                   |           |             | 0000            | 11                                      |
| 001  | 07-21-93      |               | 17:05:49        |                |                |                   |           |             | 000             | 1 01 11                                 |
| 001  | 07-21-93      |               | 19:05:08        |                |                |                   |           |             | 010             |                                         |

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Department

Signed Bonnie DormanDate 7-19-94

-IT HISTORY PRINTOUT

13:49 Tuesday, July 19

-E0100: July 20, 1993 - July 21, 1993

-UNIT--E01

| UNIT | LOGON DATE | LOGON TIME | COMMAND TIME | LOGOFF TIME | LOGOFF DATE | VEHICLE NUMBER | EC  | ENTY | COMMAND CODE | TEXT                                     |
|------|------------|------------|--------------|-------------|-------------|----------------|-----|------|--------------|------------------------------------------|
| E01  | 07/20/93   | 4:45:46    |              | 4:45:41     | 07/21/93    | 070007         | 774 |      |              | 1250 GPM 500 GUT '86 PIERCE              |
| E01  | 07/20/93   |            | 0:00:31      |             |             |                |     |      | DATE         | 07/21/93                                 |
| E01  | 07/20/93   |            | 4:45:42      |             |             |                |     |      | ****         | 07/21/93 LOGOFF                          |
| E01  | 07/20/93   |            | 4:45:46      |             |             |                |     |      | ****         | 07/20/93 LOGON 0070007 1250 GPM 500 GUT  |
| E01  | 07/20/93   |            | 4:45:46      |             |             |                |     |      | ****         | '86 PIERCE N=774 OF1                     |
| E01  | 07/20/93   |            | 9:53:48      |             |             |                |     | *    | AOR          | 0 01 55                                  |
| E01  | 07/20/93   |            | 8:58:51      |             |             |                |     | *    | OUTVM        |                                          |
| E01  | 07/20/93   |            | 9:10:46      |             |             |                |     | **** |              | 07/20/93 00456 2/BLS 3025 POUWATAN ST    |
| E01  | 07/20/93   |            | 9:10:46      |             |             |                |     |      | DP           | FIRE CHANNEL 1                           |
| E01  | 07/20/93   |            | 9:12:32      |             |             |                |     | *    | INVM         |                                          |
| E01  | 07/20/93   |            | 9:12:32      |             |             |                |     | *    | ENRTE        |                                          |
| E01  | 07/20/93   |            | 9:18:19      |             |             |                |     | *    | ONSCHN       |                                          |
| E01  | 07/20/93   |            | 9:27:13      |             |             |                |     | *    | AOR          | 0 01 55                                  |
| E01  | 07/20/93   |            | 11:57:57     |             |             |                |     | *    | INVM         |                                          |
| E01  | 07/20/93   |            | 12:26:51     |             |             |                |     | *    | AIG          |                                          |
| E01  | 07/20/93   |            | 16:08:45     |             |             |                |     | **** |              | 07/20/93 01122 1/ALS 1495 S/PRI TOLL R   |
| E01  | 07/20/93   |            | 16:08:45     |             |             |                |     | **** |              | 0                                        |
| E01  | 07/20/93   |            | 16:08:45     |             |             |                |     | DP   |              | CH2                                      |
| E01  | 07/20/93   |            | 16:09:30     |             |             |                |     | *    | ENRTE        |                                          |
| E01  | 07/20/93   |            | 16:14:38     |             |             |                |     | *    | ONSCHN       |                                          |
| E01  | 07/20/93   |            | 16:23:22     |             |             |                |     | *    | AOR          | 0 01 33                                  |
| E01  | 07/20/93   |            | 16:48:46     |             |             |                |     | *    | AIG          |                                          |
| E01  | 07/20/93   |            | 18:03:08     |             |             |                |     | **** |              | 07/20/93 01315 1/ALS 0 GEORGE WASHINGTON |
| E01  | 07/20/93   |            | 18:03:08     |             |             |                |     | **** |              | N MEN PM                                 |
| E01  | 07/20/93   |            | 18:03:08     |             |             |                |     | DP   |              | CH1                                      |
| E01  | 07/20/93   |            | 18:03:45     |             |             |                |     | *    | ENRTE        |                                          |
| E01  | 07/20/93   |            | 18:09:58     |             |             |                |     | *    | ONSCHN       |                                          |
| E01  | 07/20/93   |            | 18:37:02     |             |             |                |     | *    | AOR          | 0 01 11                                  |
| E01  | 07/20/93   |            | 18:43:25     |             |             |                |     | *    | AIG          |                                          |
| E01  | 07/21/93   | 4:45:42    |              | 4:45:46     | 07/22/93    | 070007         | 774 |      |              | 1250 GPM 500 GUT, '86 PIERCE             |
| E01  | 07/21/93   |            | 0:01:46      |             |             |                |     |      | DATE         | 07/22/93                                 |
| E01  | 07/21/93   |            | 4:45:42      |             |             |                |     | **** |              | 07/21/93 LOGON 0070007 1250 GPM 500 GUT  |
| E01  | 07/21/93   |            | 4:45:42      |             |             |                |     | **** |              | '86 PIERCE N=774 OF1                     |
| E01  | 07/21/93   |            | 4:45:46      |             |             |                |     | **** |              | 07/22/93 LOGOFF                          |
| E01  | 07/21/93   |            | 7:45:16      |             |             |                |     | *    | AOR          | 0 01 55                                  |
| E01  | 07/21/93   |            | 8:35:51      |             |             |                |     | *    | AOR          | 0 01 11                                  |
| E01  | 07/21/93   |            | 8:38:22      |             |             |                |     | *    | AIG          |                                          |
| E01  | 07/21/93   |            | 14:46:55     |             |             |                |     | *    | AOR          | 0 01 20                                  |
| E01  | 07/21/93   |            | 15:22:56     |             |             |                |     | *    | AOR          | 0 01 56                                  |
| E01  | 07/21/93   |            | 15:31:19     |             |             |                |     | **** |              | 07/21/93 01015 2/FOUR CHAIN BRIDGE RO/G  |
| E01  | 07/21/93   |            | 15:31:19     |             |             |                |     | **** |              | GEORGE WASHINGTON PM N                   |
| E01  | 07/21/93   |            | 15:31:19     |             |             |                |     | DP   |              | CH1                                      |
| E01  | 07/21/93   |            | 15:31:37     |             |             |                |     | *    | ENRTE        |                                          |
| E01  | 07/21/93   |            | 15:41:12     |             |             |                |     | *    | ONSCHN       |                                          |
| E01  | 07/21/93   |            | 16:15:38     |             |             |                |     |      |              |                                          |
| E01  | 07/21/93   |            | 16:17:52     |             |             |                |     | *ISC |              | NEED ONE MORE ENGINE                     |
| E01  | 07/21/93   |            | 16:17:52     |             |             |                |     | *ISC |              | SITUATION REPORT: ABOUT AN ACRE OF 40    |
| E01  | 07/21/93   |            | 16:17:52     |             |             |                |     | *ISC |              | 00S WERE ON FIRE. BULK OF FIRE KNOCKED   |
| E01  | 07/21/93   |            | 16:17:52     |             |             |                |     | *ISC |              | DOWN WITH SOME HOT SPOTS LEFT. E01 OUT   |
| E01  | 07/21/93   |            | 16:17:52     |             |             |                |     | *ISC |              | OF WATER. ETS 10-7. BC01 DIRECT          |

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Department

Signed Bonnie Dismantko  
Date 7-19-94

JULY - HISTORY #01000001

12:45 Tuesday July 19

PERIOD: July 19, 1993 - July 21, 1993

UNIT#0001  
CONTINUOUS

| UNIT | LOGON<br>DATE | LOGON<br>TIME | COMMAND<br>TIME | LOGOFF<br>TIME | LOGOFF<br>DATE | VEHICLE<br>NUMBER | EXT<br>ID | EXT<br>ENTRY | COMMAND<br>CODE | TEXT                                    |
|------|---------------|---------------|-----------------|----------------|----------------|-------------------|-----------|--------------|-----------------|-----------------------------------------|
| 501  | 07/21/93      |               | 16:44:10        |                |                |                   |           |              | *ISC            | UNITS IN PROCESS OF HOPPING UP. *COWI   |
| 501  | 07/21/93      |               | 16:44:10        |                |                |                   |           |              | *ISC            | HO UP LINES THAT WERE STRETCHED OVER TH |
| 501  | 07/21/93      |               | 16:44:10        |                |                |                   |           |              | *ISC            | E BANK TOWARDS THE RIVER                |
| 501  | 07/21/93      |               | 17:16:32        |                |                |                   |           |              | * AOR           | 8 01 11                                 |
| 501  | 07/21/93      |               | 17:20:10        |                |                |                   |           |              | * OUTSRV        | 501 02                                  |
| 501  | 07/21/93      |               | 17:27:58        |                |                |                   |           |              | * AOR           | 8 01 11                                 |
| 501  | 07/21/93      |               | 17:38:14        |                |                |                   |           |              | * AOR           | 8 01 11                                 |
| 501  | 07/21/93      |               | 17:54:35        |                |                |                   |           |              | * AIO           |                                         |
| 501  | 07/21/93      |               | 21:43:03        |                |                |                   |           |              | ----            | 07/21/93 01005 210105 2030 ROCKINGHAM   |
| 501  | 07/21/93      |               | 21:43:03        |                |                |                   |           |              | ----            | ST                                      |
| 501  | 07/21/93      |               | 21:43:03        |                |                |                   |           |              | DP              |                                         |
| 501  | 07/21/93      |               | 21:44:38        |                |                |                   |           |              | * ENRTE         |                                         |
| 501  | 07/21/93      |               | 21:51:03        |                |                |                   |           |              | * SHSCHE        |                                         |
| 501  | 07/21/93      |               | 23:20:18        |                |                |                   |           |              | * AOR           | 8 01 11                                 |
| 501  | 07/21/93      |               | 23:27:33        |                |                |                   |           |              | * AIO           |                                         |

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Department  
Signed Bonnie Diamantko  
Date 7/19/94



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[illegible]

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Signed Bonnie Diamantes  
Date 7-19-94





**● ● ● ● ●**

12:40 PM, July 13

• 777 • 007 • 1969 • 007 • 1982

• 4:7-8b:11  
:: 7:2:2:2:2:2

[illegible]

**This is certified a true copy of the actual field incident report in possession of the Fairfax County Fire and Rescue Department**

Signed Bonnie Diamond  
Date 7-19-94





1112

**HARRPATTIE REPORT**

INCIDENT + RESIDENCE UNIT TOLD BOFF IN SEC. 1 BOFF TO DATE 17-00-03  
ASSISTED + INSULANCE ONE IN A CODE + TRANSPORT BOFF WAS SEVERAL HUNDRED FEET  
BACK IN THE 400S. AMBULANCE CREW HAD BOFF IN BODY BAG AND ZIPPED UP AT THE  
TIME OF OUR ARRIVAL.

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Signed Bonnie Diamante  
Date 7-19-94

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Access No: 94556070 ProQuest - The Washington Post Ondisc **EXHIBIT 16**  
 Title: DOUBTS ON CLINTON AIDE'S DEATH SILENCED  
 Authors: Robert O'Harrow Jr., Washington Post Staff Writer  
 Source: Washington Post, Final Edition  
 Date: Saturday Jan 29, 1994 Sec: 8 METRO p: 2  
 Length: Medium (592 words) Type: News VA  
 Subjects: Suicides & suicide attempts  
 Names: Foster, Vince; Gonzalez, George (paramedic); Ashford, Kory  
 Abstract: Fairfax County VA emergency workers George Gonzalez and Kory Ashford, who have questioned whether the death of White House aide Vincent Foster Jr was a suicide, have been asked by county officials not to discuss their suspicions publicly.

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**Article Text:**

Two Fairfax County emergency workers who have questioned whether the death of White House aide Vincent Foster Jr. was a suicide have been asked by county officials not to discuss their suspicions publicly, a fire department spokesman said yesterday.

Paramedic George Gonzalez and emergency worker Kory Ashford, who were among the first people to see the body of the deputy chief counsel at Fort Marcy Park last July, have told county officials that the scene seemed unusually tidy for a suicide to have taken place there. Gonzalez and Ashford said they thought it strange that Foster, who died from a gunshot wound to the head, had little blood on his clothing and was still holding a .38-caliber pistol in his right hand.

Gonzalez and Ashford said that in similar suicide cases they had seen, the force of the gunshot had caused the person to drop the weapon, a county source said. The fact that Foster was stretched out neatly on his back also made the emergency workers wonder about the circumstances of his death, the county sources said.

Several forensic experts, however, said yesterday that the lack of blood on Foster and the position of his body were consistent with federal authorities' ruling that the death was a suicide, even though such deaths often are more gruesome.

'There's a lot of variability, depending on the gun and the type of ammunition used,' said Michael Baden, director of forensic science for the New York State Police. 'The bullet wound in the mouth does not necessarily cause blood to come out of the mouth.'

Gonzalez and Ashford have consistently described the scene of Foster's death as tidy, but only recently indicated their suspicions that his death might not have been a suicide. After reports of their concerns appeared in the New York Post, the workers scheduled a news conference yesterday to respond to a barrage of media questions.

But Sgt. Steve Blount, a spokesman for the county's Fire and Rescue Department, said yesterday that Fairfax officials ruled out a 'statement and question' session because of the possibility that inquiries into Foster's death could become a part of a federal investigation into President Clinton's ties to a failed Arkansas savings and loan. Foster, who had been treated for depression before his death, handled some of the Clintons' affairs in Arkansas, including their investment in the defunct Whitewater Development Corp.

Special counsel Robert B. Fiske Jr., who is investigating the Clintons' ties to Whitewater and the Madison Guaranty Savings & Loan, has said he will examine the Foster suicide to determine whether there are any ties to his work on Whitewater Development. But Fiske has given no indication that he believes the official finding of suicide should be reviewed.

U.S. Park Police officials said yesterday that there is 'no doubt' that Foster committed suicide.

Maj. Robert Hines, the Park Police spokesman, said no ballistic test was performed on the antique 1913 revolver found in Foster's hand because a bullet was never found.

But Hines said an examination performed by the federal Bureau of Alcohol, Tobacco and Firearms, found that residue in the bullet chamber during a test firing was identical to the residue in Foster's hand, indicating that Foster had fired the gun.

The conclusion was further supported by the autopsy, which found gun residue in Foster's palm.

The Park Police report on Foster was due to be publicly released, but sources said it is being delayed because of concerns that Fiske will want to review it.

Staff writer Michael Isikoff contributed to this report.

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Access No: 94564946 ProQuest - The Washington Post Ondisc  
 Title: CONSPIRACY THEORISTS FIND FOSTER CASE HARD TO RESIST;  
 RUMORS AROUND DESPITE LACK OF SUPPORTING EVIDENCE  
 Authors: Michael Isikoff, Washington Post Staff Writer  
 Source: Washington Post, Final Edition  
 Date: Sunday Mar 13, 1994 Sec: A SECTION p: 10  
 Length: Long (2366 words) Type: Chronology; News National  
 Illus: Info-graphic  
 Subjects: Suicides & suicide attempts; Conspiracy; Forensic sciences  
 Names: Foster, Vince

Abstract: The burgeoning number of conspiracy theorists who are springing up around the case of deputy White House counsel Vincent Foster and confounding the Clinton White House are discussed. Foster's death at Fort Marcy Park in Northern Virginia was declared a suicide by law enforcement officials.

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#### Correction:

A chronology Sunday about Whitewater affairs should have listed March 4 as the date special counsel Robert B. Fiske Jr. subpoenaed White House and Treasury staff members. Also, Treasury chief of staff Joshua Steiner attended only an Oct. 14, 1993 meeting between Treasury and White House staff and was not at a Feb. 2, 1994 session. (Published 3/15/94)

#### Article Text:

Sherman Skolnick, self-styled 'citizens' investigator and conspiracy expert, once devoted his energies to uncovering the mysteries of the Kennedy assassination and Watergate. But these days, Skolnick is hard at work unraveling a more recent conundrum: the death of deputy White House counsel Vincent Foster.

Based on information he says he learned from an unidentified Secret Service 'consultant' with 'underworld ties,' Skolnick claims that Foster actually was murdered by a three-man hit squad from Germany. 'They snuck Foster out of the lower level of the White House, then they had a Foster double leave his office and go somewhere else,' said Skolnick, who links the death to an aborted coup against Iraqi President Saddam Hussein and the firing of FBI Director William S. Sessions. Skolnick's theories may be wholly lacking in supporting evidence. But he recently has been airing them on a public access cable television show in Chicago. He is one more volunteer in a burgeoning army of conspiracy theorists who are springing up around the Foster case and confounding the Clinton White House.

In recent weeks, the events surrounding the July 20 suicide of President Clinton's boyhood friend have been the subject of a seeming avalanche of speculative news reports, rumors and gossip that is fast turning Foster's death scene at Fort Marcy Park in Northern Virginia into a 1990s version of Dealy Plaza. One widely circulated theory has Foster driven to suicide by news of an imminent FBI raid in Little Rock, Ark., linked to the Whitewater affair. Another, actively being probed by Republican investigators, connects Foster's death with the unsolved execution-style murder of a former Clinton campaign security official in Little Rock last September.

Yet a third theory, reported last week by a financial newsletter, has Foster dying in a Northern Virginia safe house used by senior White House aides -- a report that caused the stock market to plunge and prompted a

vehement White House denial.

'How is it acceptable that completely unsubstantiated rumors become the fodder for legitimate news organizations?' said White House press secretary Dee Dee Myers when asked about the report. 'Since when are we in the position of having to prove a negative?'

David Smick, a former top aide to Republican presidential hopeful Jack Kemp, is co-owner of the newsletter that published the unsubstantiated story.

Then there is conservative political activist Floyd Brown. As chairman of Citizens United, Brown has employed two full-time investigators probing Foster's death and circulated his 'findings' in regular faxes to news organizations.

Perhaps the most persistent of the Foster stories suggests that, contrary to the official findings of the U.S. Park Police, the White House aide was murdered. This view gained circulation in January when the New York Post quoted George Gonzalez, a Fairfax County paramedic who was the first medically trained person to reach Foster's body.

Gonzalez said the scene was unlike other suicides he had observed, describing how Foster's body was lying neatly on a gentle incline with a .38-caliber revolver in one hand. 'Usually a suicide by gunshot is a mess,' Gonzalez said. Yet Gonzalez said there was only a 'thin trickle of blood' in the corner of Foster's mouth. He said Foster's body was laid out neatly 'as if ready for a coffin.'

Gonzalez's observations quickly were pounced upon by conspiracy buffs in part because the official park police report, including the Fairfax County coroner's autopsy, never had been released by the Justice Department. Now, the release has been blocked pending further investigation by special counsel Robert B. Fiske Jr.

But federal law enforcement officials say that some of Gonzalez's recollections are directly contradicted by police photographs taken at the scene as well as a statement filed that evening by park police investigator John Rolla, who arrived about 20 minutes after Gonzalez.

Rolla, whose written observations are part of the park police report, reported seeing blood in Foster's nose and on his mouth, right shoulder and underneath his head -- an observation further bolstered by photographs, one of which was shown by ABC on its Friday night news program.

Rolla also reported that 'blood on the ground and on his shirt was still wet' -- a finding consistent with the conclusion that the death took place several hours earlier at the park and not somewhere else.

Law enforcement officials said other forensic evidence in the park police report supports the suicide finding: the black powder burns on Foster's hand and mouth, the absence of defensive wounds and the position of Foster's right hand, with his thumb trapped in the trigger of an antique Colt revolver owned by his family.

'There's absolutely nothing to lead the police or the medical examiner to believe that anything happened other than a suicide,' said one federal law enforcement official who has reviewed the evidence. 'The guy was no more killed in an apartment in Northern Virginia than there is a man in the moon.'

Fiske has pledged to conduct a 'thorough and complete' investigation of Foster's death. In court papers filed in New York, Fiske said he will retain outside forensic experts and pathologists and will ask Russell Hardin Jr., a Houston homicide prosecutor, to review the findings.

While comfortable with the suicide conclusion, many federal law enforcement officials said there are other unsettling aspects of the Foster case that have already piqued the interest of Fiske's investigators.

Park police found ample reason to conclude that Foster was despondent about his life in Washington and had sought the names of psychiatrists.



But their efforts to discover if there were any particular work-related concerns that caused him to take his life were repeatedly blocked by White House counsel Bernard Nussbaum. Nussbaum recently resigned the counsel's job, in part because of criticism over his handling of the Foster suicide investigation.

Invoking 'executive privilege,' he refused to permit park police investigators to enter Foster's office the day after his death. The next day, Nussbaum agreed to conduct his own 'search' in the presence of Justice Department lawyers, FBI agents and park police investigators but refused to let them inspect any of Foster's papers, rapidly identifying them in a way the investigators found incomprehensible.

It was during this search -- not, as some have reported, during a late night visit to Foster's office the night of his death -- that Nussbaum removed Whitewater-related documents that later were transferred to President Clinton's personal attorney, David Kendall. Foster had been handling the preparation of Whitewater's overdue corporate tax returns.

Federal law enforcement officials say they have no evidence that Foster was concerned or worried about Whitewater, an issue that at that point had largely sunk from public view. But they say there are other reasons to be concerned about the thoroughness of the park police investigation: A torn-up, undated note written by Foster suggesting his job despair was not turned over to the park police until more than a week after his death, and no finger or palm prints were ever identified.

The park police never reviewed entries in Foster's office computer nor did they interview potentially key witnesses, such as Brantley Buck, the Rose Law Firm partner who placed one of the last known phone calls to Foster the morning of his death. Park police investigators established that Foster tried to return the call but never got through. He placed the call shortly before he left his office at 1 p.m., the last time he was seen alive.

Later news reports revealed that Buck was handling an internal law firm inquiry into the billing practices of former partner Webster L. Hubbell, Foster's close friend who now serves as associate attorney general.

The park police also never interviewed Clinton, who spoke to Foster for about 20 minutes by phone the night before Foster's death. Clinton has never explained all the matters the two discussed that evening.

Asked recently about the suicide on CNN's 'Larry King Live,' Clinton said curtly: 'I don't think we know any more than in the beginning because I just really don't believe there is any more to know. You know, he left a note; he was profoundly depressed.'

IP/Ram

**EXHIBIT 17**

**A Special Report on the Fiske Investigation of the  
Death of Vincent W. Foster, Jr.**

Gonzalez  
Ex. 17

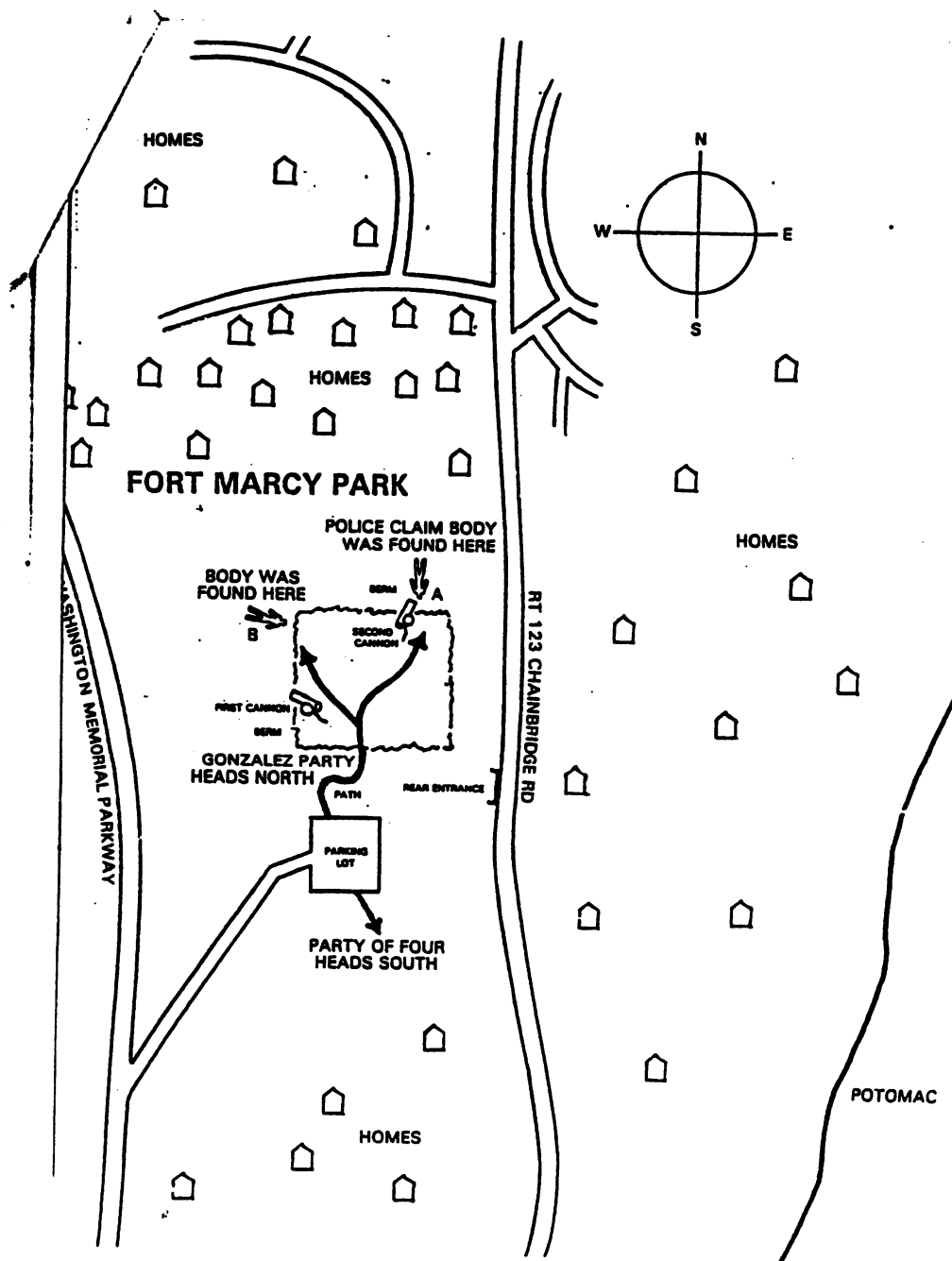
**By Christopher Ruddy**

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**As a reporter for The New York Post, I authored a series of articles on the death investigation of Vincent Foster, former deputy White House Counsel.**

**Since the release of the Fiske report of June 30, 1994 on the Foster death investigation, I have received a number of requests for comment. Herein, lies my detailed analysis. I have chosen to produce this information in this manner since a newspaper format would be inappropriate, and the pending hearings make this information timely and important.**

**Christopher Ruddy  
July 18, 1994**



"Stretch your talents, grasp beyond the closest branch, take a risk, stick your neck out, speak your mind, challenge the status quo and conventional wisdom. Do not just accept responsibility. Chase it down.

-Vincent W. Foster, Jr. May 8, 1993, Commencement Address, University of Arkansas Law School.

#### THE COVER-UP

When Sgt. George Gonzalez, a lead paramedic, reported for duty to cover for an absent member of Fairfax County (Va.) Fire & Rescue Station No. 1, on July 20, 1993, little did he know that fate would make him privy to one of the biggest cover-ups in American history.

For, just a couple of hours into that sweltering evening, Gonzalez, and at least 20 other officials, would have intimate knowledge of the spot where Vincent Foster's body was found in Fort Marcy Park -- and the subsequent knowledge that the Park Police participated in a cover-up by changing the location, in their official reports, by several hundred feet.

What Gonzalez and his fellow officials know could incriminate many of the federal officials involved in investigating the death of Foster, then deputy White House Counsel. There is powerful evidence that these officials obstructed justice by:

- issuing false reports.
- lying to the press and public.
- committing a number of other federal offenses, including intentionally misleading Special Prosecutor Robert Fiske, his staff -- and the FBI.

Revelation of this cover-up would also seriously impugn the credibility and legitimacy of the U.S. Park Police, whose forensic and physical evidence constituted a major part of the Special Prosecutor's report on the cause of Foster's death.

Late on a January night six months after Foster's death, Gonzalez detailed the circumstances of his death to this reporter; this unrehearsed testimony remains the most comprehensive, accurate and honest account of what happened

at Fort Marcy Park in McLean, Va., following a 911 call reporting a lifeless body in that park.

In reviewing my notes of that interview, I noted that Gonzalez's recall of details was sharp. He remembered, for example, a Mercedes standing at the park's entrance with hazard-lights blinking -- something a police officer who followed him into the park couldn't remember. And Gonzalez vividly recalled the two small cars in the parking lot.

And Gonzalez's description of the crime scene -- the highlight of my first major article on the event in The New York Post, which is generally acknowledged to have prompted the probe by the Special Counsel Robert Fiske into Foster's death -- parallels the findings of that probe, as follows:

- Foster's body lay on the side of a hill, face-up.
- He wore suit pants, a dress shirt, but no tie or jacket.
- The top shirt was unbuttoned.
- A trickle of blood emanated from the side of the mouth.
- Flies were buzzing around his eyes and orifices.
- A gun was in his right hand.
- Every limb was straight, as if Foster was "ready for the coffin," in Gonzalez's words.

Everything Gonzalez said was in agreement with Fiske's findings -- except for two all-important details: the body's location, and who discovered it.

Gonzalez and the Fiske report are in agreement that at approximately 6 p.m. on July 20, 1993, Gonzalez's paramedic unit, consisting of himself and two other rescue workers, arrived at the parking lot of Fort Marcy Park, followed closely by Officer Kevin Fornshill of the Park Police. A Fairfax County fire truck carrying three other rescuers also arrived.

The rescuers quickly separated in the lot: Gonzalez, Fornshill and Todd Hall of Gonzalez's unit, took a looping northeast trail of the park; the four others took the south trail through dense brush and woods, moving away from the fort.

Gonzalez's testimony and the Fiske report are in agreement that Gonzalez moved quickly up the park's northeast trail, a distance of about 200 feet, and entered the main clearing of the historic fort around which the park was established. Here, in the fort, there are two cannons, and Gonzalez came upon the first one and searched to the left of it, while Fornshill and Hall probed on the other side of the clearing.

Here we come to the part where Gonzalez's original account to me differs from what he subsequently told Fiske's staff.

Picture Fort Marcy, a small parcel of land wedged between two north-south thoroughfares: the George Washington Parkway on the west and Chainbridge Road on the east. Close to Chainbridge Road in the middle of the parcel, the wooded land rises to form a roughly squarish plateau measuring a few hundred feet in length and width; this is the original fort, one of a number that Pres. Lincoln authorized as a bulwark against attack of the Capital during the Civil War.

On two sides of this tiny fort the land falls away sharply, forming steep embankments, sometimes called berms. During the Civil War, numerous cannon sat perched overlooking the berms giving the defenders maximum effectiveness. Again, only two of these Civil War era cannon remain.

The first sits in the southwest corner of the square closest to the park's parking lot. The other rests in the opposite, northeast corner, hidden by brush and earthen mounds. They are referred to in the Fiske report as, respectively, the "first" and "second" cannon.

In that January interview, Gonzalez told me he moved past the first cannon and found nothing. But as he moved "at least 20 feet" along the west berm that the cannon overlooks, he came upon the body, lying on the berm itself. [This spot is now wildly overgrown because the park's grounds have not been maintained, as the main entrance to the park has been closed since December.]

But the Fiske report locates the body directly in front of the *second* cannon -- a couple of hundred feet away.

Moreover, Gonzalez told me that upon discovering the body he shouted to the two other searchers on his team, who, he said, were still in sight. That precludes them from being

by the second cannon, which, as indicated above, was not visible from that spot.

Gonzalez told me he moved down the berm and checked Foster for life signs, closely examining his eyes and then his fingers, to see if they were cyanotic (pooling blood). They were. Foster was dead. And Gonzalez emphasized -- keep this detail in mind -- that it's important never to assume death but to carefully verify it.

The Fiske report has a significantly different version of the discovery, stating that "Officer Fornshill was the first to arrive at the body." And the location is given as approximately 10 feet in front of the second cannon.

The Fiske report has Gonzalez arriving after the two others had found the body. It then states that *Todd Hall* probed for life signs by checking Foster's pulse. Hall "found none," the report states.

Gonzalez now claims he never saw Hall check the pulse, but just assumed Foster was dead. He, the lead paramedic -- who, remember, had emphasized to me the necessity of verification -- now says Foster's condition was "obvious."

Gonzalez flip-flopped. Which version is true?

The evidence supports his original contention that the body was down the berm from the first cannon, a couple of hundred feet from where the Fiske report had it.

This is not a matter of verbal confusion; Gonzalez backed up his account of the events by drawing a map and sketching out in my notebook several diagrams of the scene. The map details the looping trail from the parking lot to the fort's main clearing, a distance of about 200 feet. He marked the cannon he saw as he moved to the left. He drew his path past the cannon some distance and marked an "x" as the point at which he found the body. He clearly stated the body was not in front of the cannon, and remembered such a seemingly insignificant detail as a curve-shaped hollow at the top of the berm, which he drew in my notepad.

Gonzalez drew a picture of what he thought was a little used, brush-filled pathway down the berm where he said Foster's body was lying. He also drew a cross-section of the body on the berm, indicating that the feet of the body were pointed toward the George Washington Memorial Parkway, which runs parallel to the berm.



A Park Police Officer present at Fort Marcy that night, speaking on condition of anonymity, corroborated Gonzalez's general description of the body and its location. He told me the body was well past the first cannon, motioning with his hand, as he indicated the body was not near the cannon. He, too, described Foster's feet as pointing toward the parkway.

If Foster's body was lying on the berm by the first cannon, it would be on an east-west alignment, with the feet pointing toward the parkway several hundred feet west.

If, on the other hand, it was where the Park Police and Fiske officially locate it, it would be on a north-south alignment, with the feet pointing north toward woods and an out-of-sight development of homes.

More unrehearsed testimony corroborates Gonzalez's original account and that of the above-cited unnamed Park Police Officer. Kory Ashford, an EMS technician who arrived before nightfall at 8:45 p.m. to place Foster's body in a body bag, claimed he didn't even remember seeing a cannon -- which is consistent with the fact that if Foster's body was where Gonzalez originally had it, the first cannon would have been off to the side, out of Ashford's direct line of sight, as he made the path from the clearing's entrance to the body. Were the body where the Fiske report had it, it is difficult imagining Ashford wouldn't have noticed the cannon, since it sits prominently over the berm where the body supposedly was.

The location of the body is disputed only because the Park Police curiously omitted what every death investigation requires: key crime scene photographs.

In my March 7 New York Post article, I noted that the Park Police had failed to take a "crucial crime scene photograph," or series of photos that would depict the entire crime scene, including shots of the *whole body and its surroundings*, as well as "relationship photos," pictures that would show where the body was relative to such landmarks as a cannon or the deceased's car, which was found in the parking lot.

"It's extremely important in an investigation [to have such photos] because it shows the body's position and other patterns which can never be re-created," said Vernon Geberth, a former lieutenant commander of New York City's homicide division. Geberth, author of the authoritative police text "Practical Homicide Investigation," noted that

such indispensable photos, for one thing, allow police to re-create the scene of death and establish if homicide was staged to look like suicide.

That Post article was widely misinterpreted as stating the police had no photographs; this was not the case. The Park Police have claimed that these photos were taken, but the film was not properly developed. The Fiske report noted that 35 mm. shots were taken -- but they were "underexposed."

In the absence of these crucial photos, the police took 13 Polaroid photos, which show only close-up shots of Foster's body, according to a source who has seen them. One of these photos was leaked to ABC News; it showed Foster's right thumb inserted into the trigger guard of a .38 Colt lying next to his thigh. The photo also shows thick quantities of vegetation around the gun, hand and body.

This photo, as well as some that were not released, corroborate Gonzalez's original statements of the location of the body and undermine the Fiske report. The path on the berm directly in front of the second cannon is devoid of vegetation, and the sides of the pathway, where Foster's arm's supposedly reclined, has only small amounts of vegetation and foliage -- a condition inconsistent with the photos.

In early April, Fiske's staff excavated for a bullet in the place where they believe Foster's head lay, which was directly in front of the cannon. But film footage of the berm taken prior to the excavation indicates the path had no real foliage, and little plant growth on either side.

Further, a journalist who visited the site the day after Foster died says the berm does not match with the photo shown on ABC. John Hanchette, a reporter for Gannett Newspapers, was at the fort, together with another reporter, around 1 p.m. the day after Foster's death. Neither had any idea where the body had been discovered, so they began a search until they found what they believed to be the site.

"The [Park Police] were sloppy," Hanchette recalled in describing the area of the second cannon. "They left rubber [crime scene] gloves all over the place."

Hanchette said he and his colleague further confirmed the spot where they found a "blood stain in the dirt," which he said had dried. He said the spot was on the slope

directly in front of the second cannon, just where the police claim Foster's body was found.

Hanchette remembers his colleague putting a stick into the dirt and confirming the color as "red." He assumes the blood to have been Foster's.

Asked if the photo released by ABC News matches the area where the blood stain was found, Hanchette replied: "No, it does not. I thought it [the photo] was fishy."

Hanchette said the photo was "too verdant" for the area he remembers seeing, where the landscape clearly shows bare ground.

Lieutenant Bill Bianchi of Fairfax Fire & Rescue was present when Kory Ashford put Foster's remains in a body bag. He told me he saw a blood stain "on the grass."

Yet Hanchette saw a blood stain on dirt, not on grass.

However, Gonzalez said -- and the Polaroids verify -- that the body was on top of vegetation.

The truth is that Foster's body was on top of grass on the berm by the first cannon. It left a residue of blood on the grass. The Park Police changed the location of the body in their official report. Furthermore, someone re-created a second crime scene by the second cannon -- complete with blood stain.

The Park Police Report, which hasn't been released, places the body in still another, third location. According to a source, that report, "Tab 46: The Initial Mobile Crime Lab Report of the Scene of Death," states that Park Police crime-scene technician Peter Simonello places Foster's body approximately 20 feet west of the cannon axle, in an east-west alignment. This contradicts Fiske's report, which said that the body was some 10 feet north in a north-south alignment.

These discrepancies point to an apparent attempt to falsify the facts relating to the body's discovery. Why?

We might look to Watergate -- where we still do not know for sure why the original burglary took place. We only know that it happened -- and that a massive cover-up ensued to hide the truth.

Similarly here: We don't know yet why they changed the location of Foster's body; we just know that certain parties have falsified the location of Foster's body -- and that a concerted effort is being made to hide this fact and other truths.

Gene Wheaton, a former Army Criminal Investigation Division agent with 25 years experience in homicide investigations, suggests the key to understanding the cover-up is to place the events in the context of July 20, 1993.

Wheaton, who spent several weeks in Washington investigating the Foster case, says that the Park Police at Fort Marcy that night recognized that Foster "did not commit suicide." He suggests they may have wanted to move the official location in order to hide the real crime scene. "Maybe Foster's body, neatly arranged in the middle of knee-high brush, looked like a strange location to kill oneself," he speculated. >

He also suggested that because the police did not find the bullet that went through Foster's head, they may have feared someone else would find it -- a possible explanation for the ruse of the second cannon site, complete with rubber gloves and a bloodstain.

As for Fiske, he attempts to substantiate the second cannon site through Park Police Officer Fornshill and a confidential witness identified as "CW" throughout the report. CW testified he found the body directly in front of the second cannon.

Wheaton thinks CW's testimony strains credulity. For example, CW claims he stopped at the park because he had to urinate badly -- and then walked several hundred yards through the heavily wooded park before doing so, accidentally coming upon the body.

CW claims he then told a park maintenance worker to call 911. (In an off-air interview with radio talk show host G. Gordon Liddy, CW was insistent that he did not see a gun in Foster's hand; according to Fiske's report he later said he wasn't sure -- an equivocation.)

The 911 call came about after CW left the park in his white van, and drove north on the parkway several miles from Fort Marcy to a park maintenance facility. He drove into the lot and encountered two park workers. CW told them he found a body in Fort Marcy and asked them to notify the Park Police. CW then drove off.

One of the park workers, Francis Swan, called 911 and reported the discovery of a body.

A transcript of the 911 call quotes the park worker: "There's ah, ah, have, ah, ah, this is, is a body, this guy[CW] told me was a body laying up there by the last cannon."

The park worker repeated: "The last cannon gun."

Walking from the parking lot, the second cannon is the "last cannon." CW gave the wrong location of the body, which was by the first cannon.

If Foster's death was not a suicide, CW, by placing the body in the wrong location, would become a prime suspect for the police.

#### FISKE AND THE TRUTH

The facts about this case are not elusive; over 20 Park Police and Fairfax Fire & Rescue personnel are aware of the location of the body.

Yet the weighty "Report of the Independent Counsel in re Vincent Foster, Jr." does not contain the truth. Why?

For one thing, many of those present at Fort Marcy Park that night were probably not even asked about the body's location. And of those that were, perhaps they believed that telling the truth wasn't all that important on this seemingly minor point.

But there was a way that Fiske could have gotten to the truth on this "minor point."

"If they [Fiske's staff] were suspicious, it would amount to putting people under subpoena before a grand jury," said Vernon Geberth as to why the strong possibility of cover-up was not explored. "He [Fiske] accepted the fact it was a suicide from the beginning."

According to Geberth, standard police practice requires that every suicide investigation first be treated as a homicide investigation, until proven otherwise; why did

Fiske not look into this alarming departure from standard police procedure?

In a press release accompanying the report, Fiske stated, quite obscurely and without explanation, only that the "investigation into Mr. Foster's death was not a grand jury investigation."

But Geberth, in commenting on the grand-jury process, said: "If he [Fiske] was inclined to believe there was a cover-up, you put everyone -- medical examiner, emergency medical workers, police, witnesses -- under subpoena to get sworn testimony under oath. What doesn't jibe with official reports, you charge those [who gave such false information] with either issuing false reports or perjury."

Fiske did in fact impanel two grand juries: one in Washington, one in Little Rock. *But the Washington grand jury heard no testimony concerning Foster's death investigation.*

Fiske, in his report, tells of extensive interviews his office conducted. And a footnote to that section attempts to justify his not using the grand jury in the way Geberth thinks it should have been used: It maintains that if those interviewed gave false answers to his FBI staff, they "would be prosecutable under Title 18, United States Code, Section 1001."

Section 1001 states that intentional lying or misleading federal investigators, such as those of the FBI, is a prosecutable offense. However, experts say, that code is rarely invoked and carries little practical weight.

"Thousand and one [Section 1001] is very, very, very, very seldom used," noted William F. Roemer, Jr., a 35-year FBI veteran who headed the Bureau's Organized Crime Strike Force in Chicago and is the FBI's highest decorated former agent. "I have never heard it applied. We never observed it."

"If Fiske had the power [of subpoena] and he didn't use it, something could be inferred from that," Roemer added. "I would certainly use the hammer because sworn testimony is a powerful lever -- to put witnesses before a grand jury with the threat of perjury charges hanging over them."

"On the surface, it appears there could have been a lot of disinformation given [Fiske's] investigators," Wheaton added, agreeing with Roemer on the need for using a grand

jury. Wheaton, who has read the Fiske report, suggested that using sworn testimony would lessen the possibility conflicting information might have been fed to the investigators to confuse them.

#### THE CORNERSTONE OF THE INVESTIGATION

Fiske's conclusions that Foster committed suicide rely heavily on an autopsy performed by the Virginia medical examiner, Dr. James Beyer, shortly after the body was discovered.

Nearly half of Fiske's almost 200 page report, incredibly includes 91 pages of resumes trumpeting the qualifications of his medical and pathology team. The actual report on Foster's death is only 58 pages. Even more incredible, the one resume that really counts is absent: that of Beyer himself.

A number of newspapers, including The New York Post, The Washington Times, and several Virginia newspapers, have seriously challenged Beyer's credentials and abilities.

Beyer, 76, has been under fire for two "suicides" he ruled on; in one case, medical evidence suggested the deceased had been attacked, and in the other case someone later actually confessed to killing the deceased.

That confession came about after the family of 21-year-old Tim Easley challenged Beyer's findings that the young man had taken his own life. At his funeral, the family noted and photographed a cut on Easley's hand that Beyer had not noted on the autopsy report.

"The cut on the hand is definitely ante mortem [before death], and I cannot understand how any competent forensic pathologist would miss it," said Dr. Harry Bonnell, who reviewed the case. Bonnell is chief deputy medical examiner of San Diego, Calif. "It is a classic 'defense' wound suffered while trying to avoid [a] knife" attack.

Beyer admitted, during an interview with me, that he saw the cut, and that he failed to note it. He said it was "consistent with a needle mark." (Would, say, a needle mark on Foster's body have been important enough to note?)

Bonnell also challenged Beyer's assertion that Easley could have stabbed himself, noting that the trajectory of the knife was "inconsistent" with a self-inflicted wound.

In the other case -- one that has striking parallels to the Foster matter -- Beyer ruled that 21-year-old Tommy Burkett's death was "consistent with a suicide."

Burkett, like Foster, was found dead of an apparent gun shot through the mouth. After Burkett's survivors noticed that Beyer had failed to note a "bloody and disfigured ear" on his autopsy, they had the young man's body exhumed for a second autopsy, which was performed by Dr. Erik Mitchell, former chief of pathology for Syracuse, N.Y.

Mitchell found not only trauma to the ear, but other crucial evidence that Beyer had failed to note: a fractured lower jaw, which indicated the deceased may have been beaten first. That second autopsy also revealed that Burkett's lung had not been dissected, as Beyer claimed in his report.

Beyer, in several interviews with me, emphasized that the U.S. Park Police ruled the death of Foster a suicide. He did not.

His autopsy report doesn't say that the wound was self-inflicted; rather the cause of death is simply stated: "Perforating gun shot wound mouth-head."

Nevertheless, Beyer's report is the basis for Fiske's independent pathology report -- signed off by four prominent pathologists: "The post-mortem finding demonstrated in this case are typical and characteristic of such findings in deaths due to intentional, self-inflicted intraoral gunshot wounds."

The pathologists determined certain critical findings based almost exclusively on Beyer's notations: that there was no sign of a struggle or injury on Foster's body; that the bullet path described by Beyer was accurate in that it passed through Foster's brain stem and out the upper-rear of Foster's head, disabling the brain stem and causing instantaneous death (clinical death followed shortly after) with cardiovascular activity ceasing immediately; and that toxicology tests were accurate, and no drugs had incapacitated Foster.

Two critical issues -- the legitimacy of the Park Police's original investigation and the integrity of the autopsy report -- seriously undermine the credibility of the



Fiske report on Foster's death. Despite the blatant discrepancies pointing to a cover-up, there has been, to-date, no indication that Fiske is taking any of the normal steps to resolve the case, such as exhuming the body or using subpoena power.

#### OTHER PROBLEMS IN FISKE'S FINDINGS

The Fiske report raises, and either casually dismisses or ignores other serious questions:

1. According to the evidence, Foster's head had to have assumed four distinct positions after his supposed instantaneous death. (The pathologists believe Foster's heart stopped almost immediately, which would explain the lack of visible blood on the front of his body.)

a) There was a blood stain on Foster's right cheek, presumably from touching his shirt, which the report said was blood-soaked in the shoulder.

b) The report said the head was tilted to the right because blood tracks had run from the right side of his mouth and nose.

c) The report also said because blood had run from the nose to where it was seen on the temple area above the ear -- in the sloping position he was perched on the steep berm -- the head would have had to be tipped slightly backward.

d) Finally the report notes the Polaroid photo shows to be looking generally "straight-up."

While Fiske accepts the premise that Foster's head was touched by what he believes to be an early observer. Even if this occurred, the evidence of four different head positions, is ignored.

2. Why, despite the claim that the investigation was thorough, were not elementary investigative practices followed?

Standard police procedure calls for questioning neighbors, passersby and everyone else in the vicinity of deaths that are even remotely suspicious. Apparently Fiske's staff failed to do this.

Several weeks ago, The London Telegraph reported that it had canvassed the many homes abutting and near Fort Marcy Park. The newspaper discovered that neither the Park Police nor Fiske's staff had ever conducted a house-to-house

canvass. (The Fiske report notes only that it interviewed security personnel at the Saudi ambassador's residence, which is directly across the street from the rear entrance to the park. The Fiske report refers to the rear entrance as a "pedestrian" one, but motorists frequently park on the shoulder of the road by the rear entrance, and then enter the park.)

3. Why was the gun in Foster's right hand if, as The Boston Globe reported, he was left handed?

4. Why is evidence that might be conflicting left out from the Fiske report?

For example, Fiske treats CW as credible -- yet in his original testimony to G. Gordon Liddy he stated that he found a wine cooler bottle near the body and that he saw a wine cooler pack in Foster's car.

The Fiske report makes no mention of this seemingly significant testimony, nor does it explain why it was omitted from the list of official evidence.

5. Why were key observations by the emergency workers left out of their Fairfax official reports?

In a footnote, Fiske states that both Fairfax EMS workers Gonzalez and Richard Arthur doubted the suicide ruling because they believed they saw additional wounds on Foster's head and neck. Yet no mention was made, in their Fairfax County reports, of such wounds.

(In Gonzalez's discussions with me, he never mentioned the wound, citing primarily the issue of the lack of blood. "Usually a suicide by gunshot is a mess," he told me. "Have you ever had pork brains for breakfast?" he asked rhetorically, in making the point that there should have been a mess on Foster's face and shirt.)

6. Why does a lab report attached to Beyer's autopsy findings indicate no drugs were found -- yet, an FBI analysis found traces of an anti-depressant, as well as valium (benzodiazepine)?

7. Did the Park Police ever conduct a search for the bullet?

"Tab 55" of the Park Police indicates a search was conducted for the bullet and none was found -- yet, 9 months later when an FBI team searched the area near the second cannon where the police claim the body was discovered, 12

contemporary bullets and 58 metal Civil War artifacts were found.

In March, 1994, Park Police told Congressman Robert Dornan they conducted a thorough sweep of the area with sophisticated metal detectors. Why was the FBI able to find so much metal in an area the Park Police said they had swept?

8. Why did Fiske's staff accept the fact that a note allegedly written by Foster was found in his office in his briefcase -- when the Park Police themselves, as reported in The New York Times, claimed they searched the briefcase and found no such note, seriously challenging the White House account?

9. Why did Foster check-out a White House beeper if he did not plan on returning? Who tried to contact him?

The Washington Post reported that it is not standard practice to carry a White House beeper, yet Foster's was found at Fort Marcy.

The Fiske report states that the beeper was found on Foster's person, but an official at Fort Marcy that night had told me the beeper was on the passenger car seat.

The Fiske report states that the beeper was found in the off position.

Yet a statement by Major Robert Hines, spokesman for the Park Police, directly contradicts the Fiske report.

"He[Foster] hadn't been answering it[his pager]," Major Robert Hines told media critic Reed Irvine in a taped interview on March 9. Hines also admitted that the White House "had been on that day[he died]" trying to contact Foster.

Curiously, the beeper is not listed on the official list of evidence of items handed over by the Park Police to Fiske's FBI staff.

10. How did Foster's glasses "bounce" 13 feet?

The police and Fiske say Foster's eyeglasses were found 13 feet below Foster's body on the berm. Because gunpowder was found on Foster's glasses, the Fiske report concludes that Foster's eyeglasses "were dislodged [from Foster's head or shirt pocket] by the sudden backward movement of Foster's head when the gun was fired, after which the glasses bounced down the hill[emphasis added]" -- all of this happened, mind you, while Foster was in a sitting position.

A visit to the berm will show that the berm is not that steep to allow the glasses to slide (and remember they said the site had dense foliage).

\*\*\*\*

The explanations in the Fiske report still leaves the public with a high number of unusual occurrences, or a "preponderance of inconsistencies," as Wheaton calls them. Among them: the gun still in Foster's hand; a gun still not positively identified by his family; a gun with only two bullets (no matching ammunition was found in Foster's home); the lack of visible blood and the unusual, immediate cessation of the heart; the neat position of Foster's body; the lack of powder burns in Foster's mouth; no broken teeth despite the barrel having been placed deep into his mouth; the fact that Foster, a devoted family man, made no arrangements for his family, or even said a good-bye; the fact no one heard a shot; the fact Foster had chosen a park he had never visited before; and the fact no soil was found on his clothes or shoes.

#### OBSTRUCTION OF JUSTICE

Fiske pledged that in addition to examining the issue of the alleged suicide, he was going to look into the serious charge that the White House had kept the FBI out of the investigation and had assigned it instead to the far less qualified and less-experienced Park Police.

Fiske, who curiously did not use the grand jury for this critical part of his investigation, devotes just a little over a half-page in explanation. While admitting that the circumstances of Foster's death could have come under FBI jurisdiction, he explained that since "a preliminary inquiry by the FBI ... failed to indicate any criminal activity, the FBI's inquiry into this matter was closed."

But in a two-page letter sent to me by Judge William Sessions, the former Director of the FBI, Sessions wrote that the FBI was kept off as the lead investigative agency because of a "power struggle [between] the FBI and the Department of Justice" at the time of his firing.

"The decision about the investigative role of the FBI in the Foster death was therefore compromised from the

beginning," Sessions wrote, noting specifically that Foster's death took place "the day after my termination" and on the same day Judge Louis Freeh had been "proposed" as Director. Freeh took office several weeks later.

The day of Sessions' firing, The Wall Street Journal ran a lead editorial called, "What's the Rush?" It began: "So the gang that pulled the great travel-office caper is now hell-bent on firing the head of the FBI." The paper thought it strange that Sessions had to be fired -- when he had offered to resign once a replacement had been confirmed by the Senate.

Fiske doesn't seem to have turned up any obstruction issues, yet there seems to be no explanation for charges, such as those published in The Washington Times, that "Mr. Sessions' statement corresponds with those of current and former FBI and Justice Department officials who told the Times of interference by the White House and Justice Department in the Bureau's work in the Foster investigation."

Similarly, ex-FBI notable William Roemer said that "[Attorney General Janet] Reno and Clinton had undue influence. The FBI would normally be finding reasons to get involved in a high-profile case" like this.

And former CID agent Gene Wheaton concurs, describing the Park Police as being the "most pliable of federal law enforcement agencies."

When I asked the Park Police for a break down of their approximately 35 death investigations last year that were suicides, homicides or natural deaths, they could not provide that.

## CONCLUSION

As soon as Fiske accepted the Park Police testimony at face value, the results of his report became inevitable. He chose not to use his subpoena power. He accepted the autopsy report without question.

With the same type of acceptance, Fiske would have us also believe that "there is no evidence that any issues related to Whitewater, Madison Guaranty or CMS played any part in [Foster's] suicide." Perhaps he is right: Whitewater had no connection.

Perhaps he is wrong.

\*\*\*\*

In the end, we, the ordinary citizens are left at Vincent Foster's transitory resting place, Fort Marcy Park.

Fort Marcy brings us to the period of civil war when rivers of blood were spilled so that we might preserve our unique experiment in "government, of, by and for the people" -- one where justice would reign supreme and no man, no group of men, no matter how powerful or highly placed, would be above the law.

How paradoxical, how utterly tragic, then, if that tiny square of earth should now stand as a symbol of violation to that noble ideal.

**DEPOSITION OF TODD S. HALL  
IN RE: S. RES. 229**

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**WEDNESDAY, JULY 20, 1994**

**U.S. SENATE,  
COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS,  
*Washington, DC.***

Deposition of TODD S. HALL, called for examination pursuant to notice of deposition, at 5:55 p.m. in the Dirksen Senate Office Building, Room G-59, before DAVID L. HOFFMAN, a Notary Public within and for the District of Columbia, when were present:

**GLENN F. IVEY, Esq.  
Majority Counsel  
ROMAN E. DARMER, III, Esq.  
JULIE FALLON, Esq.  
PAUL GOLDENBERG, Esq.  
Minority Counsel  
Committee on Banking, Housing, and Urban Affairs  
U.S. Senate  
On behalf of the Committee.**

**DAVID P. BOBZIEN, Esq.  
County Attorney  
Fairfax County, Virginia  
12000 Government Center Parkway  
Suite 549  
Fairfax, Virginia 22035-0064  
On behalf of Deponent.**

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EXHIBITS

| Todd S. Hall                  | IDENTIFIED |
|-------------------------------|------------|
| DEPOSITION NUMBER             |            |
| Exhibit 1 (S. RES. 229) ..... | 3, 138     |
| Exhibit 2 .....               | 10, 1157   |
| Exhibit 3 .....               | 10, 1160   |



PROCEEDINGS  
(5:55 p.m.)

Whereupon,

TODD S. HALL

was called as a witness herein, and having been first duly sworn, was examined and testified as follows:

MR. IVEY: Good afternoon. My name is Glen Ivey. I'm counsel for the Senate Banking Committee. I represent the majority in this case.

MR. IVEY: May we have this marked as Exhibit One?

(The document referred to was  
marked for identification as  
Deposition Exhibit Number 1.)

MR. IVEY: What he's marking as Exhibit One is the Senate Resolution that involves the scope of what we're doing here. The investigation involves the death of Vincent Foster which, as you can see, is raised right here on page two.

(Handing document to witness.)

MR. IVEY: So this deposition is being done pursuant to that resolution, and there are going to be

---

4

hearings regarding the death of Mr. Foster that will take place, it looks like the 28th or the 29th of next week.

I don't know who's going to be called to testify at those hearings, but there's a possibility that you could be one of the people called. I just wanted to let you know about that at this point.

In a moment, you're going to be put under oath and your answers will be transcribed by the Court Reporter here, so obviously your answers should be truthful and honest to the best of your recollection.

To the extent that you don't recall an answer, or something, just let us know. If there's any guesswork or speculation in your answer, tell us that in advance of giving the answer.

If you don't understand the question the way I phrase it, you can just ask me to rephrase it, or say you don't understand, and we can try to work that out.

You can confer with your counsel at any time. You can take breaks at any time. Just let me know when you need to do it.

Two objections that could pop up during the hearings. One is to the form of the question. Your counsel

1 will make it if it's appropriate, or I suppose Mr. Darmer  
2 could make them too.

3 That's an objection that you can still answer the  
4 question with the objection made in the record, and it would  
5 be decided at the appropriate time.

6 There's a second objection, which would be to the  
7 scope of the question. In other words, a question that  
8 might call for you to give a response that goes beyond the  
9 scope of this resolution.

10 If that objection is raised, then you should not  
11 answer the question. You should wait until there's a  
12 resolution as to whether the answer would be beyond the  
13 scope or not, before you give an answer.

14 EXAMINATION

15 BY MR. IVEY:

16 Q Do you understand everything I've said, or do you  
17 have any questions so far?

18 A Yes, I understand. I don't have any questions.

19 Q Could you tell us your name and your date of  
20 birth?

21 A Todd Stacy Hall, born December 1, 1962.

22 Q What do you do for a living?

1 A I'm a firefighter for Fairfax County Fire and  
2 Rescue Department.

3 Q What are the responsibilities of a firefighter?  
4 What's your job?

5 A To protect life and property, something like  
6 that.

7 Q How long have you been a firefighter?

8 A Since May 25th, 1986.

9 Q Did you get any special training before you  
10 became a firefighter?

11 A Sixteen weeks of group training.

12 Q What kind of training?

13 A Recruit training.

14 Q So that would sort of be like the training they  
15 put all firefighters through before they put them out on the  
16 street?

17 A Yes.

18 Q Before you were a firefighter, what did you do?

19 A Construction, a laborer.

20 Q How long did you do that?

21 A Two years.

22 Q Now were you working on July 20th, 1993?

1 A The day of the Foster suicide? Yes.

2 Q You were working a a firefighter that day?

3 A Correct.

4 Q Who were you working with?

5 A McLean Fire Station, Company One, driving the  
6 medic.

7 Q Who was the driver, who was the medic?

8 A I was the driver. George Gonzalez was the  
9 officer in charge, and Richard Arthur was the second man.

10 Q Did there come a time you got a call to go to  
11 Fort Marcy Park?

12 A Correct.

13 Q About what time of the day was that?

14 A I'd say it was after 5:00.

15 Q Did you go to Fort Marcy Park?

16 A Correct.

17 Q How long did it take you to get there?

18 A I would say less six minutes.

19 Q What did you see when you got to Fort Marcy Park?

20 A What did we find, or what did I see. As soon as  
21 we got there?

22 Q What did you see as soon as you got there?

---

1 A Nothing but a park.

2 Q Any cars there, any people there?

3 A Yes. There were some cars parked there. I don't  
4 recall seeing any people, no. I don't recall seeing any  
5 people.

6 Q What did you do after you got to the park?

7 A We had a call that came in, suicide in front of a  
8 cannon, so we searched the grounds for a body in front of a  
9 cannon.

10 I think we were met there by the Park Police.

11 Q You said it was a call for a suicide?

12 A Yes, possible. No, well, somebody lying in front  
13 of a cannon, possible DOA. I forgot what the initial call  
14 was.

15 Q But something like that?

16 You knew there was a possibility of a dead person  
17 there.

18 A Yes. I really don't recall. I came in, but it  
19 was something in front of a cannon, a person lying in front  
20 of a cannon unconscious or something like that.

21 Q After you got there, what did you do?

22 A We searched the grounds, we split up. Some of us

1 went this way, some that way, looking because I was worried.  
2 There was only four cannons there so we split up. Me and  
3 one of the Park Police, we was together, and I think he  
4 pretty much knew the vicinity of the cannons.

5 Q So you went with a Park Police officer.

6 Do you remember his name?

7 A No.

8 Q Any other fire personnel or emergency personnel  
9 that went with you and the Park Police officer?

10 A No. We split up.

11 Q Did you guys find anything?

12 A Yes.

13 Q What?

14 A We found a body lying in front of the cannon, in  
15 front of the bank on the slope.

16 Q Do you remember which cannon it was near?

17 A No.

18 EVENING SESSION

19 (6:00 p.m.)

20 BY MR. IVEY:

21 Q About how far was the body from the cannon?

22 A The cannon was underneath the slope. The slope

10

1 was going up and came down, I'd say no more than five feet.

2 Q What did you do after you came across the body?

3 A Well, I was about to go down and check the pulse  
4 when the police was going, he was heading back. I was about  
5 to check the pulse when I noticed a gun in his hand and I  
6 advised the police officer, maybe, I think we have a suicide  
7 here. Maybe you better come back.

8 He came back.

9 Q So you saw the gun?

10 A Yes.

11 Q Do you remember which hand it was in?

12 A The right hand.

13 MR. IVEY: Can you mark these two for me?

14 (The document referred to was  
15 marked for identification as  
16 Deposition Exhibit Number 2.)

17 (The document referred to was  
18 marked for identification as  
19 Deposition Exhibit Number 3.)

20 BY MR. IVEY:

21 Q Let me break off a second and ask you this  
22 question.

Did you talk with the FBI at all?

2 A Yes.

3 Q Do you know if they took notes of what you said  
4 or wrote down what you said at all?

5 A Yes.

6 Q Let me give you Exhibits Two and Three, which are  
7 notes apparently from your conversations with the FBI.

8 (Handing document to witness.)

9 (Pause.)

0 BY MR. IVEY:

1 Q I'm not exactly sure where we were.

2 When you came upon the body, you noticed that he  
3 had a gun?

4 A Yes.

5 Q Do you remember what the gun looked like?

6 A No, just a gun.

7 Q But you remember it was in his right hand?

8 A Yes.

9 Q Did you see any powder on his hand?

0 A No, I didn't check.

1 Q Okay.

2 How were his arms?

1 Where was the hand that held the gun?

2 A Straight out and at his side.

3 Q At what point, who decided that he was dead?

4 A I guess it was George or one of the other medics.

5 Q Did you think he was dead when you came up on  
6 him?

7 A I was just going to check.

8 Q Normally what do you do when you check to see if  
9 somebody's dead?

0 A I check his pulse, is carotid pulse.

1 Q The carotid pulse, what is that, neck?

2 A Yes.

13 Q Anything else?

14 A Well, by the time I got to check that, I saw the  
15 gun. I stood straight up, told the police to come back. By  
16 then, George and other guys had gotten there.

17 Q Did you touch him?

18 A I don't recall whether I touched him or not.  
19 It's been so long. But I probably did. I was checking for  
20 it. Then I noticed the gun. Once I noticed the gun --

21 Q Did you pull up his pants legs at all?

22 A No.

1 Q Did you notice any of this pooling of blood,  
2 cyanotic, or something?

3 A All I recall is a couple of drops on his collar.  
4 That's all I recall.

5 Q Do you remember seeing any blood on his face?

6 A No. I remember his face being straight when I  
7 was going to check because whatever turned his head, from  
8 the pictures I saw, there was more blood than I recall  
9 seeing. And that may be because, in the pictures, his head  
10 had been turned and that may have caused the bleeding, the  
11 blood to flow.

12 Q Do you remember seeing flies or anything?

13 A Yes, flies coming off of his mouth.

14 Q Did you see anything that might have led you to  
15 think that he'd been in some sort of struggle or a fight?

16 A No.

17 Q Was there anything unusual about the scene in  
18 your view?

19 A No.

20 Q Did you see any entrance or exit wounds?

21 A It seemed like I seen one, the mouth, the teeth  
22 had black marks on it when I found it.

1 Q Did you hear anyone say, well, he's dead?

2 A I don't remember hearing it. I pretty much  
3 assumed he was.

4 Q Did anybody else touch him that you recall  
5 seeing?

6 A The medics, George and Arthur, when they got  
7 there.

8 Q They touched him?

9 A I assume they did. That's their job.

10 Q Did you see them touch him?

11 A No. I pretty much backed off and let them take  
12 over.

13 Q Why is that?

14 A Because they are the medics. I'd done my job.

15 Q Were there Park Police officers there too with  
16 you?

17 A Yes.

18 Q What were the Park Police officers doing?

19 Do you remember how many there were?

20 A I know there was the one who was with me, and  
21 then I remember a female officer arriving and I think, by  
22 then, I was starting to take equipment back to the unit.

1 Q How long did it take between the time that you  
2 discovered the body and you started taking equipment back to  
3 the unit?

4 A Ten to fifteen minutes. Someone had made the  
5 decision he was dead and I just started carrying what I had  
6 in my hands back to the unit and we were bagging all that.

7 Q Did you think he was dead? Did you think it was  
8 a premature decision for you to start going back to the  
9 unit, or did you think he was dead?

10 A Did I think he was dead?

11 Q Did you think he was dead?

12 A Yes.

13 Q Now you started taking stuff back to the unit.  
14 About how much longer, after that, was it before you left?

15 A Before we left? I think we was there awhile.  
16 The police wanted everybody's name. And we stood around  
17 awhile, I'd say about an hour.

18 Q And then what did you do after you gave the  
19 police your name?

20 A I guess we left and went back to the station.

21 Q So you say an hour.

22 Do you mean the whole time you were there, or the

---

1 time between when you decided, when someone decided he was  
2 dead and when you actually left?

3 A I'd say probably the whole incident, probably  
4 about an hour. I don't recall but I'd say about an hour.

5 Q Do you recall if George Gonzalez was talking back  
6 with the dispatcher on the radio?

7 A No. I don't recall. What, in the unit, en  
8 route?

9 Q No, before you left. You're still there at the  
10 park. Do you remember if he called anybody?

11 A I don't know. He was still over there, I was  
12 over here. And he had the radio.

13 Q Did you hear him say anything, or did you hear  
14 anything come over the dispatch?

15 A No.

16 Q Were you gone before police roped off the area  
17 with yellow tape?

18 A No. I think they started taping it off when we  
19 arrived. Yes.

20 Q Were you there when they started taking pictures?

21 A I don't recall. I had left the immediate area  
22 where his body was found. I took the equipment back to the

1 unit. I hung around right out there in the parking lot with  
2 the unit.

3 Q So you were waiting out there in an area where  
4 you couldn't see the body?

5 A Right.

6 Q Did you see people go over to Mr. Foster's car  
7 and try to go in it?

8 A No.

9 Q Or in a car?

10 A No, they didn't try to go in it, but we were  
11 standing by his car. We was looking at it.

12 Q Do you remember seeing anything in there?

13 A Yes. We saw a suit coat and I think his  
14 briefcase, something like that. I know a suit coat was in  
15 there and we pretty much matched it up with his pants to  
16 determine that it was his car.

17 Q In the interview with the FBI, you said you  
18 thought you saw someone else in the woods?

19 A Yes, I seen something. It was woody and I seen  
20 something go past, like a car.

21 Q Do you think you know what it was?

22 A Yes. It was route 123. It was right down

1 beneath us because when we went back to the scene, I said,  
2 what's down there, and it was probably a car or truck that  
3 drove past the bushes.

4 (Pause.)

5 Q Do you remember seeing an unoccupied car with the  
6 engine running in the parking lot?

7 A Yes. It was speculation between all of us that  
8 it was the car in the lot running.

9 Q That it was running?

10 A Well, I did hear it running. I can't say for  
11 positive it was running, but I knew someone else said it was  
12 running.

13 Q But you remember seeing a car there?

14 A Yes, there was one parked, yes.

15 There was two or three cars there, but there was  
16 one there, and I don't recall, I can't say whether it was  
17 there when we left or not.

18 Q Do you remember someone saying, I guess it was  
19 Iacone saying that the victim must have been one of  
20 Clinton's buddies from Arkansas?

21 A Yes.

22 Q Was he serious or was he joking around?



- 1 A I think he probably was joking, but who knows.  
2 Q You never spoke to the press about this?  
3 A No.  
4 Q Were you ever contacted by the press?  
5 A No.  
6 Q Did one of your superiors tell you not to talk to  
7 the press?  
8 A Yes.  
9 Q When was that?  
10 A Probably a couple of days after the incident.  
11 Q Do you remember, was there any reason?  
12 A Well, I guess because it was one of President  
13 Clinton's aides, and they knew we'd probably be contacted by  
14 the police, that was the reason, I mean, the press.  
15 Q Did you superior contact you directly?  
16 A Well, he told us as a shift, all of us at the  
17 lineup that morning or sometime during that day, he told us  
18 all as a shift.  
19 Q Do you remember who it was?  
20 A Lt. Bianchi.  
21 Q Gonzalez made some statements in the newspaper.  
22 Did you see those?

- 1 A No.  
2 Q Did you hear about him saying things in the  
3 paper?  
4 A I heard about him talking with them. I don't  
5 know what he said or anything like that. I didn't see it.  
6 I heard it was on TV. I didn't see it.  
7 Q Did he get in trouble for saying anything?  
8 A I don't know. All I know is I talked with  
9 George. I don't really know what he said.  
10 (Pause.)  
11 MR. IVEY: I don't have any other questions.  
12 EXAMINATION  
13 BY MR. DARMER:  
14 Q Officer, do you recall being shown photographs  
15 when you got to the FBI?  
16 A Yes.  
17 Q Do you remember how many there were?  
18 A I'd say about five.  
19 Q Can you describe what kind of photographs were  
20 they?  
21 A Yes, they were photographs of Mr. Foster's body  
22 at the scene.

- 1 Q Were the polaroid or 35 millimeter?  
2 A All I know, they were eight by tens.  
3 Q How was the quality of the photos?  
4 A It was pretty good.  
5 Q Pretty clear?  
6 A Yes.  
7 Q Do you recall whether there were any photographs  
8 showing the hands of the body?  
9 A Yes. There were photographs showing the whole  
10 body.  
11 Q What position were the hands in in the  
12 photographs?  
13 A Straight down, I recall.  
14 Q Palms up or down?  
15 A I think it was down.  
16 Q Is that how you remember the hands when you were  
17 at the scene?  
18 A Yes, pretty much. I think they was even on the  
19 side pretty much.  
20 Q Which side are you indicating?  
21 A This side may have been like this.  
22 Q You mean off on the side?
- 

- 1 A Left side.  
2 Q And the right side?  
3 A I would say the right side was all the way down.  
4 Q Which way was the palm?  
5 A I recall the palm being down.  
6 Q Could you see the gun in the palm?  
7 A In the picture you could see it.  
8 Q What about when you were at the scene?  
9 A It was woody and not until I bent over. When I  
10 looked down, I seen it.  
11 Q Was the gun obscured at all by the body, by the  
12 leg?  
13 A Maybe his pants leg was covering it a little bit.  
14 Q But you couldn't tell what kind of gun it was?  
15 A No.  
16 I seen it was a gun. I just didn't try to  
17 determine what type it was.  
18 Q Do you recall doing any kind of search of the  
19 mouth or the mouth area?  
20 A No.  
21 Q Do you recall touching the skin at all?  
22 A I recall attempting to check the carotid pulse.

1 I can't recall whether or not I was successful.

2 Like I said, once I seen the gun, I went straight  
3 back up.

4 Q So you don't recall what the skin might have felt  
5 like?

6 A No, I don't recall.

7 Q You mentioned there were a number of cannons in  
8 the park. When you walked into the park from the parking  
9 lot, can you describe if you passed any cannons or their  
10 location as you were searching for the body?

11 A I know we went to one. I can't really recall  
12 where exactly in the park. I don't know the park that well,  
13 but I know we passed one. There wasn't anybody there.

14 And the second one was the correct cannon.

15 Q Correct because the body was there?

16 A Yes.

17 Q Do you recall how far apart the two cannons were?

18 A I think there was about a hundred yards around  
19 the curve. I know the first curve, you walked back further  
20 and the second cannon, there it was.

21 Q So a fair distance?

22 A Yes.

1 Q Did you look around the area of the first cannon  
2 at all?

3 A Yes.

4 Q Is that near a hill, as well, a slope?

5 A Yes. I think it is on a slope.

6 Q When you say the hand that you saw at the scene,  
7 was it holding the gun, was it gripping the gun?

8 A I couldn't tell. I didn't get that close. All I  
9 know is I saw the gun.

10 Q And you said you saw some blood on the face?

11 A I recall seeing a couple of drops of blood on his  
12 collar and that's it.

13 Q Do you recall if it was wet or dry?  
14 Could you tell?

15 A It had pretty much soaked into his collar.

16 Q When you say his collar, on the right, which  
17 side?

18 A I recall it being over here.

19 Q Which side are you indicating?

20 A My left, his left.

21 Q His left side.

22 Do you remember seeing any other blood on any

1 other part of the clothes?

2 A No.

3 Q What about on the face?

4 A No.

5 Q Do you remember seeing any kind of debris or  
6 trash or bottles around the body?

7 A No, just a bunch of grass and trees.

8 Q You weren't there when the medical examiner  
9 arrived?

10 A No.

11 I wasn't aware if he came. Like I say, I left.

12 If he came while we was in the parking lot, I didn't see it,  
13 but I don't recall seeing him.

14 Q In one of your reports to the FBI, you said that  
15 you made a cursory search, or it says that you made a  
16 cursory search of the area around where the body was.

17 Do you recall that?

18 A No.

19 Q Do you recall if you looked around the area and  
20 sort of assessed the area?

21 A Yes. I looked around, once I saw the car go  
22 past, I said, is there a path around here or something, and

---

26

1 people wasn't listening to me. So the Park Policeman didn't  
2 answer. He was talking on the radio.

3 Q So that's when you went back to the parking lot?

4 A That's when the people started to arrive, the  
5 rest of the crew. I hung around about five or so minutes,  
6 talking with Jennifer and Chris Watson. Then I started  
7 back.

8 Q You said the Park Police officer asked you your  
9 name. Do you remember who that was?

10 A No.

11 Q Did they ask you any other questions?

12 A No.

13 Q Did anyone ever come and ask you for a statement  
14 or talk to you about what you saw?

15 A The FBI.

16 Q But between the time and the date of the FBI  
17 interview, you didn't talk to anyone?

18 A No.

19 Q Did you ever read Gonzalez's report that he  
20 filed?

21 A No.

22 Q Did you ever get contacted by any of your

1 superior officers about this case?

2 A Lt. Bianchi.

3 Q About not talking to the press?

4 A Right.

5 Q What about any other senior officers?

6 A No.

7 Q Do you know if anyone else on the detail was  
8 contacted?

9 A No, I don't.

10 Q Do you remember any more details about what you  
11 saw in the car in the parking lot in Foster's car?

12 A All I know for sure I saw was his suit coat. And  
13 I thought I may have seen, he may have had a briefcase or  
14 something in there.

15 Q But you don't recall any details?

16 A No, just that it was a car with Arkansas tags.

17 Q Front seat or back seat?

18 A What, the coat?

19 Q The coat or the briefcase?

20 A I don't recall which seat.

21 Q I'm just looking for anything you might recall  
22 wherever.

---

28

1 Do you remember what color the bag might have  
2 been?

3 A No.

4 Q You don't remember anything about the size?

5 A No.

6 Q Did you say that anyone tried to open the door  
7 while you were there?

8 A No, not by forcible entry, no.

9 Q Did you know if the car was locked?

10 A I don't recall. I may have.

11 (Pause.)

12 Q Tell me again, what was the position of the head  
13 when you first saw the body?

14 A I'd say it was in a line, looking up into the  
15 sky.

16 Q In the pictures you saw with the FBI?

17 A Yes. It was turned to the side, and blood was  
18 coming out of its mouth.

19 Q It was turned to?

20 A I think it was turned to the right.

21 Q So when you saw it, it was straight up. Did you  
22 notice blood off the side?

1 A No. All I noticed was a couple of drops on the  
2 collar.

3 Q No big stains in his shoulder or anything?  
4 (Pause.)

5 MR. DARMER: Give me just a second, officer.  
6 (Pause.)

7 BY MR. DARMER:

8 Q When did you first learn who the dead person was?

9 A I think we had returned to the station. When we  
10 returned to the station, I heard who it was.

11 Q Was it just around the station, or do you recall  
12 someone telling you?

13 A I recall I think it was Lt. Bianchi saying it was  
14 one of Clinton's aides. When we got back, the truck had to  
15 respond back down to the scene which was Lt. Bianchi was the  
16 officer in charge.

17 And when he got back, I think he pretty much told  
18 us that it was one of Clinton's aides.

19 Q Were you carrying a radio at the scene?

20 A No.

21 Q I want to make sure I'm clear on one thing that  
22 you said. You're sure you saw a coat in the back of the car

1 or in the car?

2 A Yes.

3 Q Do you recall anything about the coat?

4 A I recall that it was the same color as his, it  
5 matched his pants that he had on.

6 Q What color was that?

7 A I think it was blue pinstriped.

8 Q It was part of a suit?

9 A Yes.

10 Q What else do you think you recall seeing in the  
11 car?

12 A Maybe his tie and a briefcase.

13 Q Do you recall any details about them?

14 You don't know if it was front seat or back seat?

15 A I can't recall.

16 Q Any colors of the tie or the briefcase?

17 A No.

18 Q How about any papers on the floor of the car?

19 A Well, there was some trash, I think. I can't  
20 tell you what it was.

21 MR. DARMER: No further questions.

22 MR. IVEY: All done.

1           (Whereupon, at 6:30 p.m., Wednesday, July 20,  
2 1994, the taking of the deposition ceased.)  
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CERTIFICATE OF NOTARY PUBLIC & REPORTER

I, DAVID L. HOFFMAN, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn; that the testimony of said witness was taken in shorthand and thereafter reduced to typewriting by me or under my direction; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and, further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

---

Notary Public in and for the  
District of Columbia

My Commission Expires



**CONFIDENTIAL**

- 1 -



## FEDERAL BUREAU OF INVESTIGATION

Date of transcription 5/2/94

TODD STACEY HALL was interviewed at Fort Marcy Park, Virginia, regarding events surrounding the Fairfax County Fire and Rescue Department response to the death of Vincent W. Foster, Jr. on July 20, 1993. HALL is assigned to Fire Station One, 1455 Laughlin Avenue, McLean, Virginia, telephone number (703) 356-6671. After being informed of the purpose of the interview, HALL provided the following information:

Upon arriving at the location of FOSTER's body, HALL noted that FOSTER's head was pointing in a forward position. The head was not leaning to the right, nor was the head leaning to the left side of FOSTER's body. HALL did not move FOSTER's head. HALL checked for a pulse on the left side of the decedent's neck. As he checked for a pulse, HALL was standing in the area of FOSTER's right shoulder and right side of the head, leaning across the body in order to check the pulse on the left side. FOSTER was described to have a grayish color and the body was further described to be cold to the touch.

During HALL's examination of the body, he noted that the decedent had a gun in his right hand and that the hand was located close to the body. Some of the gun was covered by the decedent's right leg. HALL initially sighted the gun in FOSTER's right hand from the position in which he checked for a pulse. HALL's statement regarding the victim's body being cold to the touch was determined during HALL's attempt to check for a pulse.

HALL noted that the first person to arrive at FOSTER's body was a United States Park Police (USPP) officer. HALL was the second individual to arrive at the body. After HALL arrived at the body, the police officer walked away for a short period of time. Prior to the officer leaving the body, HALL stated to the officer that he thought it was a suicide. HALL was unable to determine whether or not FOSTER was stiff as a result of rigor mortis. The Park Police officer did not touch FOSTER's body. He pointed out the body for HALL and began to walk away. Upon initially inspecting the body, HALL sighted blood on the right collar area of the decedent's shirt.

gation on 4/27/94 at Ft. Marcy Park, VA File # 29D-LR-35063

Date dictated 5/1/94

OIC 000173

29D-LR-35063

**CONFIDENTIAL**

Continuation of FD-302 of

TODD STACEY HALL

, On 4/27/94 , Page 2

HALL was shown a series of pictures taken at the crime scene by USPP officers. He admitted that it was possible that blood could have been on FOSTER's right cheek as depicted in the photographs. He further noted that it was possible that leaves and brush in the area, on the date of FOSTER's death, could have obscured blood on the decedent's face and shirt. HALL noted that the area on top of the hill in front of the cannon where FOSTER was located, was previously covered in leaves and brush. The area at the bottom of the hill was also covered. On April 27, 1994, these areas did not contain the vegetation as described by HALL.

While inspecting the body on July 20, 1993, HALL believed he saw something moving in the trees surrounding the location of FOSTER's body. Upon closer inspection on April 27, 1994, HALL became aware that Route 123 was located in the area that was previously described by him to have been the location of unexplained movement. Previously, HALL thought he had seen either a bright orange or red color moving from right to left in the vicinity of Route 123. Upon discovering on April 27, 1994 that there was a road in the area from which he previously thought he had seen movement, HALL believes it is possible that he could have seen vehicular traffic on Route 123. At the time HALL saw this movement on July 20, 1993, he was standing near the barrel of the cannon located behind FOSTER's body.

With regard to other individuals that arrived at the location of FOSTER's body, HALL believes that a female USPP officer was the third individual to arrive at the body. HALL remembers GEORGE GONZALEZ possibly being the fourth individual to arrive at FOSTER's body. HALL believes he also may have spoken to JENNIFER WACHA at the location of FOSTER's body.

In addition to describing events associated with the Fairfax County Fire and Rescue Department response to FOSTER's death, HALL was requested by interviewing agents to draw a representation of the Fort Marcy Park parking area, to include his route from the parking lot to FOSTER's body. He was also requested to label any vehicles he could recall upon entering the park, as well as to label the location of FOSTER's body, the cannon, his location in relation to FOSTER's body, and any other individuals he could recall. HALL's drawing is attached and made a part of the record hereto.

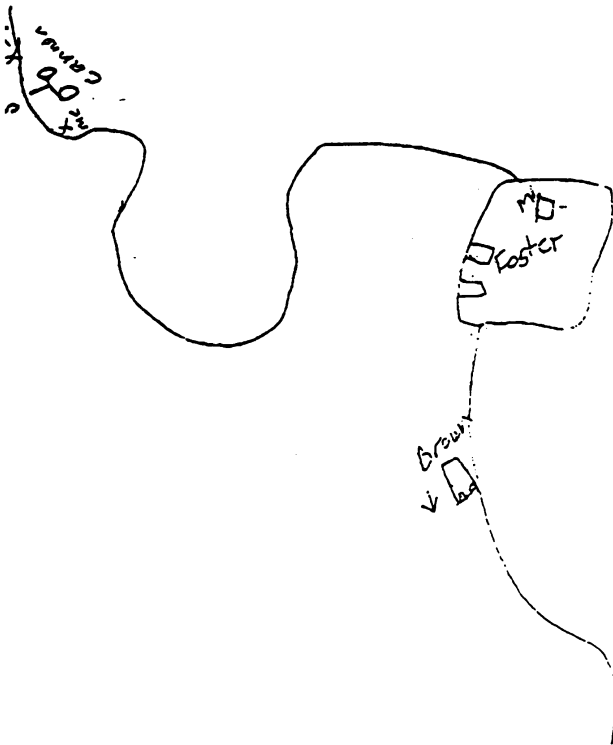
OIC 000174

Todd Hall  
4-27-94  
Fort Marcy Park

To whom it may concern

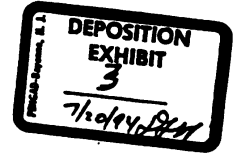
This map represents, to the best  
of my recollection on the day  
of 7-20-93,

Todd S. Hall



OIC 174A

## FEDERAL BUREAU OF INVESTIGATION

**CONFIDENTIAL**Date of transcription 3/21/94

TODD STACEY HALL, of the Fairfax County, Virginia, Emergency Medical Service (EMS), was interviewed at the Massey Building, 4100 Chain Bridge Road, Fairfax, Virginia. After being apprised of the identities of the interviewing agents and the purpose of the interview, HALL thereafter provided the following information:

HALL has been employed with the Fairfax County, Virginia, EMS for approximately eight years. In the course of his employment, he has attended the Basic Firefighter School for a duration of 16 weeks, the Suppression and Emergency Medical Service School, and has a received certification in the handling of hazardous materials. HALL has also taken career development classes to include Fire Officer School, and a school regarding fire suppression methods. In addition to the training set forth above, HALL is also trained as an Emergency Medical Technician (EMT). In the course of his career, HALL has responded to two suicide calls, to include the dispatch to the death scene of VINCENT FOSTER, JR. Both suicides were the result of gunshot wounds. The first suicide to which HALL responded was a gunshot to the head.

HALL was not contacted by the press regarding his participation in the dispatch related to the death of VINCENT FOSTER. Fairfax County Fire Department Standard Operating Procedure (SOP) mandates EMS personnel forward press inquiries to the Public Information Office (PIO). HALL noted that his Fire Lieutenant, BILL BIANCHI, put forth an order that EMS personnel who responded to the dispatch regarding FOSTER, were not to talk to the press. This order resulted from contacts GEORGE GONZALEZ and COREY ASHFORD had with the press regarding FOSTER's death.

On July 20, 1993, HALL's firehouse received a dispatch from a third party call regarding a suicide at Fort Marcy Park. The dispatch advised that the victim was located in front of a cannon in the park. Upon arriving at the park, HALL noted that officers of the U.S. Park Police (USPP) were already on site. HALL's unit split up into teams with HALL accompanying a USPP

Investigation on 3/18/94 at Fairfax, Virginia File # 29D-LR-35063

by \_\_\_\_\_ Date dictated 3/20/94

OIC 000041

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Continuation of FD-302 of

Todd Stacey Hall, On 3/18/94, Page 2

officer. The Park Police officer located FOSTER's body and indicated the location to HALL. He did not know the name of the officer who was with him when the body was located. HALL checked FOSTER's body for a pulse and noticed that the decedent had a gun in his hand. While HALL was checking the pulse, the Park Police officer had walked away from the body. HALL called the officer back to the body and based upon a lack of pulse on the part of the victim, and seeing the gun in FOSTER's hand, assumed it was a suicide.

According to HALL, FOSTER's body was laying on its back with a gun in the right hand. No description was provided regarding the caliber of weapon. HALL noted that there was blood on the collar of FOSTER's shirt believed to be on the left side. HALL thought there were only a couple of drops of blood on FOSTER's shirt collar. FOSTER's body was further described to have had flies moving in and out of the mouth. No other blood was noticed on the body.

FOSTER's right hand was located under his right thigh. HALL noted that the initial dispatch did not mention a gun being involved. FOSTER was dressed in a white shirt, necktie and dark blue pinstripe trousers. After departing FOSTER's body, HALL began to look around the area of the death scene.

During a cursory search of the area surrounding FOSTER's body, HALL thought he heard someone else in the woods. He subsequently saw something red moving in the woods. He was unable to determine if it was a person. He never saw anyone else in the vicinity of the death scene other than EMS personnel and Park Police officers. HALL noted that RALPH PISANI and one other EMS member thought they saw two males getting dressed in a wooded area adjacent to the site.

HALL was aware that the following EMS personnel were at the death scene:

JAY IACONE, Heavy Rescue Squad  
RALPH PISANI, Engine Driver  
RICHARD ARTHUR, Medic Unit  
JENNIFER WACHA, Engine or Ambulance  
BILL BIANCHI (came to scene later/truck unit)  
COREY ASHFORD, Ambulance EMT Technician  
GEORGE GONZALEZ, Medic 1/Officer

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Continuation of FD-302 of

Todd Stacey Hall, On 3/18/94, Page 3

HALL noted that ARTHUR and GONZALEZ accompanied him on the medic unit.

HALL advised that the search teams were broken down with himself and an officer of the Park Police. RALPH PISANI knew where the cannons were located at the park; he departed in one direction; HALL's team headed in an opposite direction. HALL believed there are four cannons in the park.

Upon arriving at Fort Marcy Park, HALL noticed an unoccupied brown car with the engine running parked in the lot. He noted that the car was not parked in a space. After coming out of the woods, HALL noticed a second vehicle that contained a suit jacket matching the trousers worn by FOSTER. HALL noted that the jacket was laying on the back seat of the car. The car was a foreign make, possibly a Toyota Corolla. The car was further described to be a 4-door sedan, light blue in color. Also contained in the car was a briefcase; HALL believed FOSTER's tie may have been in the car, but he was not sure.

Back in the parking lot, HALL heard JAY IACONE make a remark regarding the victim. IACONE said the victim must have been one of CLINTON's buddies from Arkansas. HALL noted that the aforementioned vehicle with the suit coat and briefcase bore Arkansas tags. By this point in time, the rest of the EMS personnel were gathered in the vicinity of the vehicle bearing the Arkansas license tags. It was noted that USPP officers were also on scene.

HALL remembers the dispatch regarding FOSTER being received at approximately 6:00 or 7:00 p.m. The weather that day was described as being hot.

HALL was not coached or given any instructions regarding how he should respond when contacted by investigators regarding FOSTER's death.

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29D-35063

**CONFIDENTIAL**

Continuation of FD-302 of

Todd Stacey Hall . On 3/18/94 , Page 4

OIC 000044

**DEPOSITION OF  
OFFICER EUGENE JOSEPH SMITH, JR.  
IN RE: S. RES. 229**

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**TUESDAY, JULY 26, 1994**

**U.S. SENATE,  
COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS,  
Washington, DC.**

Deposition of OFFICER EUGENE JOSEPH SMITH, JR.,  
called for examination pursuant to notice of deposition, at 8:02 p.m.  
in the Dirksen Senate Office Building, Room G-59, before MARY  
C. SIMONS, a Notary Public within and for the District of Colum-  
bia, when were present:

**GLENN F. IVEY, Esq.  
Majority Counsel  
ROMAN E. DARMER, III, Esq.  
IRA PAULL, Esq.  
Minority Counsel  
Committee on Banking, Housing, and Urban Affairs  
U.S. Senate  
On behalf of the Committee.**



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**WITNESS****EXAMINATION****Officer Eugene Joseph Smith, Jr.**

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| by Mr. Darmer ..... | 10 |
| by Mr. Ivey .....   | 22 |
| by Mr. Darmer ..... | 24 |

## 1 PROCEEDINGS

2 Whereupon,

3 EUGENE JOSEPH SMITH, JR.

4 was called for examination by counsel for the United States  
5 Senate Banking Committee and, having first been duly sworn  
6 by the Notary Public, was examined and testified as follows:

7 MR. IVEY: Good evening. My name is Glenn Ivey.  
8 I'm counsel for the Senate Banking Committee, and I  
9 represent the Majority.

10 We are here to depose you in preparation for  
11 hearings that start on Friday involving the investigation of  
12 Vincent Foster's death, and it's all being done pursuant to  
13 Senate Resolution 229 that was passed some months ago.

14 There are a couple of things I want to tell you  
15 before we get started.

16 One is obviously you're under oath. I'm going to  
17 be asking you a series of questions and your answers will be  
18 transcribed. So I ask that you give us your best attempt at  
19 honest and accurate answers to the best of your  
20 recollection. If you have any answers that involve any type  
21 of guesswork or speculation, just let us know that up front.  
22 If there is any point where you don't recall something, you

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4

1 can just tell us that, too. If at any point you want to  
2 supplement an answer that you had previously given, that's  
3 fine. Just let us know.

4 There may be some objections in this involving  
5 the scope. This deposition, as I said, is being taken,  
6 pursuant to a resolution that's based on the death of  
7 Vincent Foster. So if you hear an objection as to the  
8 scope, that will mean that the question calls for an answer  
9 that goes beyond that area of the investigation. If you  
10 hear that objection, don't answer it and wait until we  
11 resolve it. If you hear a different type of objection, like  
12 say as to the form of the question, you can go ahead and  
13 answer that question. That just means that the objection is  
14 noted for the record.

15 I'm going to ask you some questions first, and  
16 Mr. Darmer will ask you questions after that.

17 Do you have any questions for me before we get  
18 started?

19 THE WITNESS: No.

20 EXAMINATION

21 BY MR. IVEY:

22 Q Would you state your name and spell your name,

- 1 please.  
2 A Eugene, E-u-g-e-n-e, Joseph Smith, Junior.  
3 Q What is your occupation, sir?  
4 A Police Officer, U.S. Park Police.  
5 Q How long have you been a member of the Park  
6 Police?  
7 A Nineteen years and two months.  
8 Q What is your current role with the Park Police?  
9 A Identification technician.  
10 Q How long have you been an ID technician?  
11 A Since October of '78.  
12 Q Have you had the chance to fingerprint guns  
13 before?  
14 A Yes.  
15 Q About how many guns would you think you've  
16 fingerprinted in your career?  
17 A I would have to guess, over a hundred maybe.  
18 Q Do you have any training in fingerprinting?  
19 A Yes.  
20 Q What type of training did you get in  
21 fingerprinting?  
22 A The Crime Scene Search School was through the
- 

- 1 U.S. Capitol Police back in 1978, then I had the FBI  
2 classification, and I'm also a latent print finger examiner,  
3 also by the FBI  
4 Q Are there different types of fingerprinting  
5 methods you're trained in?  
6 A There are different types you can use, yes.  
7 Q What are the different types of fingerprinting?  
8 A You can use powders or chemicals.  
9 Q Are you trained in using both types?  
10 A Yes.  
11 Q Let me ask you specifically about the gun that  
12 was used in the Vincent Foster case. Are you familiar with  
13 that gun?  
14 A Yes.  
15 Q What kind of gun was it, do you recall?  
16 A I believe it was a 38.  
17 Q Did you recover the gun?  
18 A No.  
19 Q How did it come to be that you printed the gun?  
20 A I was requested by Sergeant Rule to process the  
21 gun for latent prints.  
22 Q Do you know why he requested you do it?

- 1 A No.
- 2 Q Did you ask any questions about why?
- 3 A I believe I waited until Captain Hume showed up,
- 4 because Technician Simonello was my partner and had the gun
- 5 wrapped up, and I informed the Captain of this and he said
- 6 he wanted it fingerprinted.
- 7 Q Did he give any explanation as to why?
- 8 A No. He just said he wanted it done then.
- 9 Q And did you print the gun?
- 10 A Yes.
- 11 Q What method did you use?
- 12 A Powder.
- 13 Q Did you get any prints from the gun?
- 14 A No.
- 15 Q Do you have any idea why there were no prints
- 16 recovered from the gun?
- 17 A You don't always recover prints from guns.
- 18 Q Why is that?
- 19 A Some people sweat, some people don't, it depends
- 20 on the surface, the temperature, there are numerous reasons.
- 21 Q In the hundred or so guns that you've
- 22 fingerprinted, have you always recovered latent prints from
- 

- 1 the gun?
- 2 A No.
- 3 Q About what percentage of the time would you think
- 4 you've gotten prints from the gun?
- 5 A I would have to go back and look, but I wouldn't
- 6 say it would be more than 30 percent.
- 7 Q So would you say it's an infrequent thing to get
- 8 fingerprints from a gun?
- 9 A Well each case is different.
- 10 Q Do you know if proper procedures were used to
- 11 preserve the gun for fingerprinting?
- 12 A I would have to guess on that. I would assume. I
- 13 didn't take the gun from the scene. It was already in the
- 14 evidence room.
- 15 Q Do you know who recovered the gun?
- 16 A No, I don't. I believe it's Technician
- 17 Simonello, but I'm not positive.
- 18 Q Was he the one that left the note on the gun?
- 19 A Yes.
- 20 Q You've worked with him before?
- 21 A He's my partner.
- 22 Q How long have you two worked together?

- 1 A I have to guess again. We've changed so many  
2 times. I would say a minimum of five years right now.  
3 Q So you've worked together on a number of  
4 different cases?  
5 A Yes.  
6 Q Have you had a chance to see his work?  
7 A Yes.  
8 Q Is he a thorough technician?  
9 A Yes.  
10 Q Does he take care in preserving evidence, and in  
11 particular items that are to be printed?  
12 A Yes, all evidence.  
13 Q Who did you tell the results of the print?  
14 A Captain Hume.  
15 Q How long did it take for you to print the gun?  
16 A A couple of minutes. What you do is you take the  
17 powder, you dust the gun, then you've got to get the tape,  
18 the lifting tape, and then you place it on a lifting card.  
19 Q Do you know if dusting a gun for prints makes it  
20 difficult to do other types of chemical analyses with  
21 respect to say blood or DNA or something like that?  
22 A It could interfere or it could not. That would
- 

10

- 1 be lab personnel. I'm not into the blood examination.  
2 Q Is there a particular order to processing a  
3 weapon?  
4 A Each case is different. Depending on the case,  
5 if you want, we do send guns out to either the FBI or ATF.  
6 Q Would you say that more tests are done typically  
7 in a homicide case as opposed to a suicide case?  
8 A Probably in a homicide. If you're going to send  
9 it out, what we would do is send the gun to the lab and they  
10 would do the tests we request. Please submit this to the  
11 proper examinations, and they would do the examinations.  
12 MR. IVEY: I don't have any other questions.  
13 EXAMINATION  
14 BY MR. DARMER:  
15 Q Did anyone ever tell you this case was a homicide  
16 or a suicide when you were asked to print the gun?  
17 A I believe I was informed it was a suicide, but  
18 I'm not sure of that.  
19 Q Do you remember who would have said that to you?  
20 A It might have been on the chain because on the  
21 top there is a classification. In other words, each case is  
22 assigned a classification, like homicide, fatality or hit

1 and run, on the top of the chain of custody, the case how  
2 it's carried.

3 Q And you think that in this case the chain of  
4 custody might have said it?

5 A It might have said it, yes.

6 Q Would that have changed how you would have  
7 approached dealing with the gun?

8 A For each case it's different, yes.

9 Q Would you have known by looking at the tag  
10 attached to the gun what ID Technician Simonello had planned  
11 to do with it?

12 A I could guess. I wouldn't know what he wanted  
13 done with it.

14 Q Did his note indicate what he was intending to do  
15 with the gun?

16 A No. I believe it just said do not touch. I'm  
17 not positive.

18 Q Where was the gun?

19 A In our evidence room, which is located in the  
20 back of our offices.

21 Q And the note simply said do not touch this?

22 A I believe, though I'm not positive about it.

---

12

1 Q Do you normally write those kinds of notes and  
2 leave it on pieces of evidence in the evidence room?

3 A Yes, you can do that. I just did it the other  
4 night. You know, you're going to fingerprint it and you're  
5 getting off. So you leave do not touch.

6 Q What do you mean when you write a note like that?

7 A Don't touch it.

8 Q Why?

9 A You're leaving it for the man who has the case to  
10 do it.

11 Q In this case was the gun wrapped?

12 A Yes, it was.

13 Q Why would the gun be wrapped?

14 A To save trace evidence.

15 Q Have you ever wrapped a gun before?

16 A Yes.

17 Q In how many cases have you done that?

18 A I couldn't recall that.

19 Q And when you say to save trace evidence, could  
20 you be more specific.

21 A Hairs, fibers, blood.

22 Q So it's wrapped because that could easily be

1 destroyed.

2 A Right.

3 Q How are those tests affected by tests for latent  
4 fingerprints?

5 A The powder would go on top of it. So the lab  
6 would have to then be notified that the gun was powdered.

7 Q So would it be fair to say that a gun is often  
8 wrapped and held to have those tests done to it before it's  
9 tested for fingerprints?

10 A It would all depend on the case, not all guns.

11 Q But you didn't know about this case, you didn't  
12 know what Simonello meant by his note?

13 A No, he just said do not touch. Then the Captain  
14 wanted me to process it, and I told him there was this note,  
15 do not touch and that it was wrapped, and he said he wanted  
16 it processed anyway.

17 Q Did you make any further statement to Captain  
18 Hume?

19 A No. I informed it of it, and he said he wanted  
20 it processed.

21 Q How did you feel about what he ordered you to do?

22 A He's the Captain.

---

14

1 Q Did you try to contact Simonello?

2 A No.

3 Q Did you ever come to have a conversation with  
4 Simonello about what you did to the gun?

5 A Probably when he came back. I believe he was on  
6 his days off.

7 Q Do you recall what he said about it?

8 A No. I just informed him that it was processed at  
9 the request of the Captain, and then I believe he spoke to  
10 the Captain.

11 Q Did you get the sense from Captain Hume or  
12 Sergeant Rule that there was pressure to test the gun for  
13 prints quickly?

14 A From Captain Hume.

15 Q Why did you get that impression?

16 A He said he wanted it done right away.

17 Q Did he give any reason for that?

18 A No.

19 Q Was there anything he said that told you why he  
20 might be in such a rush to have it done?

21 A No. I think when the FBI asked they asked if it  
22 either came from the Chief or the White House, and I said I

1 don't recall.

2 Q Do you ordinarily get orders concerning evidence  
3 from Captain Hume?

4 A No.

5 Q What is your ordinary chain of command?

6 A My Sergeant, Sergeant Lawston, then we have a  
7 Lieutenant and then the Captain.

8 Q So on a case in which you are the assigned ID  
9 technician, if the detective in charge decides to do  
10 something or wants a test to be run, it will go through  
11 Sergeant Lawston?

12 A Sergeant Lawston or it will come directly to us.

13 Q Did you know who the detective was in this case?

14 A I don't believe I knew on that day.

15 Q How often have you dealt with Captain Hume on a  
16 case in the year before this incident?

17 A This is probably the only case.

18 Q Do you talk to him on a regular basis?

19 A No, just in passing.

20 Q Did you say anything to Captain Hume in terms of  
21 whether you thought evidence, potential evidence might be  
22 lost if you did the test?

---

16

1 A Yes, I informed him. I said, you know, he's got  
2 it wrapped and it could be there is other evidence on there,  
3 and he just said he wanted it processed.

4 Q Did you indicate that in any kind of report ever?

5 A I don't believe I did. I think my report just  
6 stated that it wrapped and I informed the Captain, and he  
7 said he wanted it processed.

8 Q Have you ever been asked to run tests on a  
9 particular piece of evidence after you've indicated that  
10 potential evidence might be lost?

11 A Not that I can recall, no.

12 Q Did you talk to anyone about what kind of print  
13 testing you would do in this case, what method of  
14 fingerprinting tests you would do?

15 A I don't understand what you mean.

16 Q You said there is a variety of ways to test for  
17 fingerprints.

18 A Right. You can use whatever you want. You can  
19 take the gun and you could have put it in a tank and used  
20 the superglue.

21 Q But that was wholly within your discretion?

22 A Right, it's the ID technician's.



1 Q Captain Hume didn't mention anything about that?

2 A No.

3 Q Had you heard anything about the Foster death at  
4 the time you did this test?

5 A No. I don't know if I was on vacation or not. I  
6 might have been out of the State visiting relatives.

7 Q So you hadn't read any of the reports or  
8 anything?

9 A No.

10 Q Did you hear anything around the station house?

11 A No. I think immediately when I came in there was  
12 a note and I saw the rule.

13 Q Did you leave a specific note for ID Technician  
14 Simonello after you did the test?

15 A I might have left him a copy of the report, but  
16 I'm not sure of that.

17 Q And you made an entry on the receipt for the gun,  
18 the chain of evidence receipt to indicate that you had  
19 handled the gun?

20 A I would have to look. I usually do though.  
21 Usually when we handle evidence we will do the chain.

22 Q In what kind of cases do you ordinarily send the

---

1 gun to ATF or the FBI for testing?

2 A If we have bullet fragments, the casings, we want  
3 to match them up to the gun, or if there is blood, asking  
4 them to find the blood. We don't have the facilities.

5 Q Have you ever known a case involving a suicide  
6 where the gun was sent off to ATF or the FBI?

7 A In the cases I've handled, I don't believe so. I  
8 would have to check though.

9 Q When did you talk to Officer Simonello about the  
10 tests that you had run on the gun?

11 A He was on his days off, I did it and then I went  
12 on my days off. So it would be a couple of days after that  
13 probably.

14 Q Do you remember what he said?

15 A He probably just said, you know, what did you do,  
16 and I said here's the report and this what I did. The  
17 Captain wanted it done.

18 Q Did he appear to be upset by what had happened?

19 A Yes.

20 Q Do you remember why?

21 A Probably because he left a note that he didn't  
22 want it touched.

1 Q Have you ever proceeded to do tests on evidence  
2 when someone has left a note saying do not touch before?

3 A No, not that I can recall.

4 Q You've attended autopsies in your capacity as an  
5 ID tech; is that right?

6 A Yes.

7 Q Is it usual for the ID technician who has been at  
8 a death scene to attend the autopsy in the same case?

9 A Sometimes. If he's off and there is another man  
10 working, they'll send him, or the detective will go or the  
11 ID man will go. It's different policy. In other words, if  
12 he was off and I was working day work and the autopsy was  
13 going to happen then, you would go then because you're the  
14 one available.

15 Q What would be the benefit of having the ID  
16 technician from the scene attend the autopsy?

17 A He's just the same man involved.

18 Q What is the usual time frame for processing a gun  
19 in an investigation?

20 A It's all different.

21 Q What might some of the factors be?

22 A The factors are the man, if he's like Simonello

---

1 who went on his days off, he would come back and type up the  
2 letter which then has to go through the chain of command,  
3 then it comes back to you, you get the evidence package and  
4 then you take it to the proper lab. It could be one day or  
5 it could be a week.

6 Q Is the potential lag in time due to the paperwork  
7 that has to be done on your side, or is it the time to do  
8 the analysis on the lab side?

9 A Well the lab, depending on how busy they are, but  
10 the paperwork, the paper going through and getting the  
11 letter done could also take a day or two.

12 Q And who has to sign off on that?

13 A We write the letter, it goes to our Sergeant,  
14 through the Lieutenant, the Captain, then the secretary gets  
15 it, she'll draft it and send it back for any changes, and  
16 then it goes through the same chain, and then it's typed up.

17 Q Have you been the ID technician assigned to death  
18 scenes, death investigations in the past or violent crime  
19 investigations?

20 A Yes.

21 Q Could you tell me what your procedures are for  
22 dealing with clothing that might be recovered from a crime

1 or a death scene say.

2 A You would take it back to the office. If it's  
3 bloodied or wet you would have to dry it and make sure it's  
4 dry, because if you package it while it's wet it's going to  
5 putrefy.

6 Q What's the process for drying the clothing?

7 A You would put it on a piece of paper and let it  
8 dry.

9 Q When you say you would put it on a piece of  
10 paper, where?

11 A It's like butcher's paper in our office on the  
12 floor or on the counter.

13 Q In a particular space?

14 A In the back room. The front of our office is the  
15 desks where we all have a desk, then there is a lab behind  
16 that, and then there's the evidence room and a dark room.

17 Q So you put the evidence on paper in that  
18 particular room?

19 A Right.

20 Q Do you have any concerns about possible  
21 contamination of the evidence in that location?

22 A It could get cross contaminated.

---

22

1 Q How could that happen?

2 A Just from the dirt flying around, hair and  
3 someone walking by.

4 Q Do people have access to that area?

5 A To the back room, yes.

6 Q And is evidence from a number of cases, or more  
7 than one case ever in that area?

8 A Yes.

9 Q Did you have any involvement whatsoever in terms  
10 of the Foster case in terms of any clothes that were in the  
11 drying area?

12 A No.

13 MR. DARMER: I don't have any further questions.

14 MR. IVEY: Let me ask a few brief ones.

15 EXAMINATION

16 BY MR. IVEY:

17 Q As far as the ability to lift fingerprints from a  
18 gun, do you have the same type of training that Officer  
19 Simonello has?

20 A Yes.

21 Q Are you able to lift fingerprints from a gun as  
22 easily as he can?

1 A Yes.

2 Q So as far as the printing of the gun, it really  
3 didn't matter as to the results whether you did it or  
4 whether Officer Simonello did it?

5 A No.

6 Q Do you know if after a gun is dusted with  
7 fingerprint powder if other tests can still be run on the  
8 gun say for like blood or DNA?

9 A We would send to the lab. We don't have that  
10 facility in our lab and that's why we send it out.

11 Q I understand that, but do you know if those tests  
12 can still be done after a gun is dusted?

13 A I believe so. I'm not sure though.

14 Q At the time that you dusted the gun did you see  
15 blood or hairs or anything on the gun?

16 A I don't recall.

17 Q Do you know if the note that said do not touch  
18 referred to anything other than trying to preserve  
19 fingerprints?

20 A No. It was just on the bag of the gun.

21 MR. IVEY: I don't have any other questions.

22 EXAMINATION

1 BY MR. DARMER:

2 Q Do you know whether any evidence might have been  
3 lost in the course of your dusting for prints?

4 A No, I don't know.

5 Q Is it possible that evidence was lost in the  
6 course of that process?

7 A It could have been if there was a hair there.  
8 The brush could have thrown the hair off.

9 Q Any other possibilities?

10 A (Witness nodding negatively.)

11 MR. DARMER: You have to answer yes or no.

12 THE WITNESS: What was the question.

13 (The last question and answer and pending  
14 question were read by the reporter.)

15 THE WITNESS: No.

16 BY MR. DARMER:

17 Q What about with respect to blood?

18 A I'm not an expert on blood. I don't know if the  
19 powder would adhere to the blood, or if it was dry it would  
20 have stayed. I don't know.

21 Q What about DNA, do you know?

22 A I don't know.

1 Q What about fibers of any kind?

2 A I don't know. I could have moved them or, you  
3 know, if it was under the blood and hardened, I don't know.

4 MR. DARMER: Thank you.

5 MR. IVEY: We appreciate you coming.

6 (The deposition of Officer Eugene Joseph Smith,  
7 Jr. concluded at 8:28 o'clock p.m.)

8 \* \* \* \* \*

9 I have read the foregoing pages  
10 through ,inclusive, which  
11 contain a correct transcript of  
12 the answers made by me to the  
13 questions therein recorded.  
14 Signature is subject to  
15 corrections.  
16

17 OFFICER EUGENE JOSEPH SMITH, JR.

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I, \_\_\_\_\_, Notary Public in  
and for the \_\_\_\_\_, do hereby certify  
that I am notarizing and witnessing signature for the  
Deposition of OFFICER EUGENE JOSEPH SMITH, JR. on this  
day of \_\_\_\_\_, 1994.

Notary Public in and for the


My Commission expires

\* \* \* \* \*

CERTIFICATE OF NOTARY PUBLIC & REPORTER

28

I, MARY C. SIMONS, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn; that the testimony of said witness was taken in shorthand and thereafter reduced to typewriting by me or under my direction; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and, further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

  
Notary Public in and for the  
District of Columbia

My Commission Expires      AUGUST 14, 1994

**DEPOSITION OF ROBERT H. HINES  
IN RE: S. RES. 229**

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**MONDAY, JULY 25, 1994**

**U.S. SENATE,  
COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS,  
*Washington, DC.***

Deposition of ROBERT H. HINES, called for examination pursuant to notice of deposition, at 8:30 a.m. in the Dirksen Senate Office Building, Room SD-632, before CARMEN BUNCH, a Notary Public within and for the District of Columbia, when were present:

**GLENN F. IVEY, Esq.  
Majority Counsel  
ROMAN E. DARMER, III, Esq.  
IRA PAULL, Esq.  
JULIE FALLON, Esq.  
Minority Counsel  
Committee on Banking, Housing, and Urban Affairs  
U.S. Senate  
On behalf of the Committee.**

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## PROCEEDINGS

Whereupon,

ROBERT H. HINES

was called as a witness and, having first been duly sworn,  
was examined and testified as follows:

## EXAMINATION

BY MR. IVEY:

Q Good morning, my name is Glenn Ivey, counsel for  
the Senate Banking Committee, I represent the majority  
side. You're here because we're doing depositions in  
preparation for hearings to review the investigation of the  
death of Vince Foster. All this is being done pursuant to  
Senate Resolution 229, which designates three areas for  
investigation for the hearings. The Vince Foster death  
investigation is the one we're focusing on today. The  
hearings start at the end of this week for the Senate,  
Friday being the first day.

So I would ask that, you know, we haven't decided  
who the witnesses will be so I'd ask you to keep Friday  
open, so that once the senators decide who is going to be a  
witness and who is not, if they want you to come, that you  
be available.

4

A I have one question, just housekeeping. Friday  
is the start. Does it go into next week also?

Q Yes. There are other parts of it. I don't think  
this part will go beyond the first day.

A Sure.

Q The deposition is going to take place by me. I'm  
going to ask questions first, all related to the death  
investigation. Mr. Darmer will have a chance to ask  
questions on behalf of the minority side. Obviously your  
answers are under oath. They are being transcribed so I  
ask you to keep that in mind. And also, I would ask that  
if you give an answer, it should be a fact-based answer.  
If it includes some guesswork or speculation, that's fine,  
just let us know what part is speculative and what part is  
factual.

A Sure.

Q If you want to come back later and supplement a  
previous answer, that's fine. Just let us know, though,  
that you're going back to a previous question so we can go  
back with you.

There should be only two types of objections. If  
we're lucky we won't have any objections but the two would

1 be: one would be the scope, in other words, the question  
2 or the answer -- the question would either call for an  
3 answer or the answer would go into an area that's beyond  
4 the scope of what we're here to talk about, which is the  
5 death investigation of Vince Foster. If you hear that  
6 objection, you should stop and wait until the objection is  
7 resolved before you give an answer.

8 If the objection is on some other basis, like the  
9 form of the question, you can feel free to answer the  
10 question. The objection is noted for the record.

11 If you have any questions about any questions I  
12 pose, if you don't understand the question or if you need  
13 some clarification, let me know, I'd be happy to clarify it  
14 for you. If you want to take a break at any point, that's  
15 fine too.

16 A Okay.

17 Q Would you state your name, please, and spell your  
18 last name.

19 A My name is Major Robert H. Hines, H-i-n-e-s.

20 Q What's your occupation, sir?

21 A I'm a major with the United States Park Police  
22 and I work in the office of the chief.

---

1 Q How long have you been a member of the Park  
2 Police?

3 A Approximately 27 years.

4 Q And how long have you been in your present  
5 position?

6 A About 2-1/2 years.

7 Q What are your responsibilities right now?

8 A My responsibilities entail commanding the office  
9 of special services, which includes the internal affairs  
10 unit, audit and evaluation unit, planning development unit,  
11 security detail for special protection and media relations,  
12 and I kind of serve as chief of staff for the chief.

13 Q Let's talk about your media relations component.  
14 What do you do for that area?

15 A Well, we do not have a heavy impact on media  
16 relations, but generally when reporters will call and ask  
17 for information about an incident, I'll respond with the  
18 facts of the incident.

19 Q Were you on duty on July 20, 1993?

20 A I was not on duty. I was at home on July 20 of  
21 1993.

22 Q When did you become aware of Vincent Foster's

1 death?

2 A Approximately 9:45 p.m.

3 Q On July 20?

4 A On July 20.

5 Q How did you become aware?

6 A I was called by the field commander, Lieutenant  
7 Gavin, and he informed me that there had been a white male,  
8 apparent suicide victim, in Fort Marcy near the second  
9 cannon. And after their subsequent on-scene investigation,  
10 they had determined that it was Vincent Foster, who was an  
11 employee at the White House, deputy White House counsel.

12 Q Why did they call you?

13 A Because if it's something of that magnitude, they  
14 know to call me because of media relations, because of my  
15 role in the office of the chief.

16 Q So this was in anticipation of answering media  
17 queries?

18 A Sure.

19 Q What did you do after you learned from Lieutenant  
20 Gavin that you had someone from the White House?

21 A Well, Lieutenant Gavin gave me the name of a  
22 Mr. Burton at the White House, who is Bill Burton. I think

---

8

1 he's the deputy chief of staff. I contacted him. He told  
2 me the relationship between Vincent Foster, which I did not  
3 know Vincent Foster. And I offered our services about the  
4 investigation and then we talked about how we would notify,  
5 because Mr. Foster's mother had been notified. And I said  
6 well, normally in these circumstances the field commander  
7 will send out a press release and we will notify. Next of  
8 kin notification has not been made and we won't tell  
9 anybody the name of the person. And also, for the record,  
10 most suicides do not get a lot of media attention, unless  
11 it's something extraordinary. Of course this would have  
12 been.

13 Q You mentioned a moment ago, "offered your  
14 services." What do you mean by that?

15 A Well, normally if it's somebody that high up in  
16 the White House, we would be available and whatever to give  
17 them any kind of a briefing of what we had found so far,  
18 which was basically apparent that he had shot himself, from  
19 our initial investigation.

20 Q Is this something you would only do for White  
21 House employees?

22 A No, not necessarily. We do that for a lot of

1 suicide victims. We're very sensitive to that. It's very  
2 traumatic for the family. We often go the extra step as  
3 part of -- in essence, they're victims, a victim of crime.

4 Q So after you discussed the notification issue,  
5 what happened then?

6 A Well, I went to sleep. And we had decided that  
7 we would do exactly that. We would put out a press release  
8 and that we would not identify Mrs. Foster, waiting on the  
9 fact that I think they wanted to notify his mother. At  
10 approximately 12:30 I --

11 Q Well, let me understand. The press release would  
12 say you found a dead white male in Fort Marcy Park, but no  
13 name?

14 A We put his name in except we have a notation, do  
15 not release name until next of kin notified. In this case  
16 we did that.

17 About 12:30 on the 21st, I get a call from the  
18 field commander, saying that the media had started to ask  
19 him about the death of Vincent Foster. They had found out  
20 somehow or other, not through us. And I said, well, we'll  
21 say the same thing, because my last contact with Mr. Burton  
22 had been that we would have a press release. I tried to

---

10

1 call him and there was no answer.

2 Q Who told you that -- that the word was out,  
3 basically?

4 A Field commander.

5 Q Is that Lieutenant Gavin?

6 A No, Lieutenant Gavin was off duty at this time.

7 Q Which field commander was that?

8 A Lieutenant Phil Cholak.

9 Q Can you spell that for us?

10 A C-h-o-l-a-k, I think.

11 Q Okay. I'm sorry to interrupt.

12 A After that I got a call from the night supervisor  
13 of communications, saying that he was being hounded by all  
14 kinds of newspaper people to give a statement. I said read  
15 the statement as we have it and do not name him because  
16 that was my prior agreement.

17 Q And what happened after that? What was your next  
18 involvement?

19 A I didn't hear anything about it until the next  
20 morning.

21 Q So this would be July 21?

22 A Yes.

1 Q Did you go to work on July 21?

2 A Yes, I did.

3 Q What happened when you first got in?

4 A Well, when I got in, I asked for all the copies  
5 of the reports we had so far.

6 Q By the way, on the way to work, did you hear on  
7 the news anything about Vince Foster?

8 A I don't recall. Normally I do listen to the news  
9 channels because it's part of my job, but I don't recall  
10 hearing anything about it.

11 Q Why did you ask for all the reports?

12 A Because I knew I would be having the news media  
13 calling me, and I wanted to see exactly what we had and be  
14 able to respond to any questions about the facts of what  
15 happened.

16 Q So you wanted to get up to speed?

17 A Yes.

18 Q Did you talk to any of the officers who were  
19 involved in the death investigation?

20 A Initially, no, not at that time. They were off  
21 duty.

22 Q Did you start fielding media inquiries at that

---

1 time?

2 A Only later in the day. I don't think I received  
3 a call until probably in the afternoon sometime.

4 Q Did you speak with any of the higher-ups in the  
5 Park Police, like Chief Langston?

6 A Oh, yes, the chief, yes.

7 Q At what point did you speak to Chief Langston?

8 A First thing in the morning.

9 Q Was that before you'd seen the reports?

10 A I don't think I read all the reports, but I  
11 briefed them on what would happen and at the same time,  
12 going through the reports that we had.

13 Q What did you guys talk about?

14 A Well, I told him the information that I had  
15 learned about Mr. Foster, that he was from Hope, Arkansas,  
16 was a childhood friend of the president, that he was deputy  
17 counsel and that we knew -- it was an apparent suicide, but  
18 as all death investigations, we approach it that it could  
19 be a murder and that we would have to find out some more  
20 facts about the case from the on-scene investigation and  
21 finding out about his state of mind, how he had been acting  
22 the last few weeks.

1 Q And did your chief give you any special  
2 instructions or anything?

3 A No, not at that time.

4 Q Had the chief been contacted by the White House  
5 at that time?

6 A I don't know.

7 Q What did you do after you briefed the chief?

8 A Had a cup of coffee. No, I read the reports over  
9 to see what it looked like, and the initial report was just  
10 that preliminary report and that --

11 Q Do you remember who had written the report that  
12 you read?

13 A The first report was written by Officer Ferstl.  
14 He was not the officer that found the body but he was the  
15 officer assigned the case and wrote the initial what we  
16 call 10-343, which is just an incident report that puts it  
17 in the system.

18 Q Is that typical for -- in that situation, not the  
19 one that found the body but the one that happened to be  
20 assigned writes the reports?

21 A He's responsible for the reporting of everything  
22 on that beat.

1 Q Did there come a time when you were in contact  
2 with the White House again that day?

3 A That day?

4 Q Yes, sir.

5 A Yes, we did respond to the White House that day.  
6 They asked us to go brief members of the White House on  
7 what we had so far, and I had already talked to CIB people,  
8 what they were going to do and who was going to be  
9 investigating the case and read the reports we had. I had  
10 to tell them basically what we had initially found, what  
11 was apparent, and that we needed to investigate the case  
12 further to find out any reasons for suicide, do some more  
13 on-scene investigation and wait for the autopsy.

14 Q Who called you from the White House?

15 A I think Mr. Burton.

16 Q And who at CIB briefed you?

17 A I don't recall. I think maybe Captain Hume  
18 briefed me that morning. I don't really remember. I know  
19 it was not the initial investigators that were on the scene  
20 because they were off in the morning.

21 Q Did you tell Captain Hume or anyone in CIB that  
22 you were going to the White House?

A No, I did not.

Q Why is that?

A I just didn't tell them.

Q But there was no particular reason?

A No particular reason.

Q So did you go to the White House by yourself?

A No, Chief Langston went there with me.

Q Who did you brief?

A Well, we met in the office of David Watkins, who was present. Mr. Kennedy was present. And Mr. Nussbaum was present and a lot of other people were in the room at the time also. I don't recall all of them.

Q What did you talk about?

A I told them exactly what we had found, what time we found him. It was an apparent gunshot wound, but we approached all death investigations from the fact that it could be a homicide and we needed to look closer into it and do more on-scene investigation, wait for the autopsy and found out something about his state of mind. That was basically what I briefed him on.

Q Did you talk with them at all about questioning White House personnel from Mr. Foster's colleagues?

---

A I think we did mention we'd want to question some of them, we would need to talk to some of them, that our investigators would.

Q Did you get any feedback from Messrs. Nussbaum or Kennedy or Watkins?

A No.

Q So basically they just listened to the presentation?

A Yes.

Q About how long were you there?

A Probably 30 minutes, 35 minutes.

Q And did they ask a lot of questions?

A One asked where he was shot. I told him where. They were kind of in a state of shock at the time, most of them, appeared to be.

Q Now, is this typical procedure for you to go brief?

A It would be typical if a normal citizen committed suicide, to go brief his family and maybe other workers, if they were that close. But it's not typical for us to investigate the suicide of a high-ranking White House member every day, so that made the whole incident not very

1 typical.

2 Q But so far, everything you've done is --

3 A Everything we'd done so far has been typical.

4 Q What did you do after you finished briefing these  
5 White House personnel?

6 A I left.

7 Q Did you ever see any other Park Police officers  
8 at the White House?

9 A I met Captain Hume and Detective Markland coming  
10 into the White House, and I knew that they would be there.  
11 I mean, not that they told me. I mean, I've been a  
12 criminal investigator myself. I knew that they would be  
13 there, that it's the normal way. And I had said previously  
14 in the meeting that we would be wanting to talk with some  
15 of his workers.

16 Q Did you talk to CIB about who was going to be  
17 assigned to the case?

18 A No, I don't think so.

19 Q You didn't give any orders about who should be  
20 assigned to the case?

21 A No, no.

22 Q Do you know if Chief Langston did?

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18

1 A No, I don't think so.

2 Q Did you see Hume and Markland at any other point  
3 at the White House?

4 A Not that day, no. Nor any other day there. As a  
5 matter of fact, from that time forward, as far as the  
6 investigation, outside of reading reports and getting  
7 feedback from them, I did not -- I was not included in the  
8 investigation at all.

9 Q What type of reports did you get?

10 A A lot would be just routine verbal reports and  
11 then we would get supplemental reports.

12 Q Verbal reports from whom?

13 A Captain Hume would talk to the chief.

14 Q Anyone else other than Captain Hume?

15 A The only other thing I requested is that, you  
16 know, knowing that Mr. Foster was in the position he had,  
17 the fact that he's from Arkansas, I wasn't sure when they  
18 would post the body, perform the autopsy, and I asked him  
19 to call the medical examiner and see if he could do it that  
20 day. That was the last instructions I gave any of them.  
21 They said they could.

22 Some days, you know, some days when they go into



1 the medical examiner's office, they just do them as they  
2 get them, you know.

3 Q Had you gotten a call from the White House to  
4 request that you do the autopsy soon?

5 A No, I did not.

6 Q Do you know if anyone else had?

7 A No.

8 Q What other calls did you get from the White  
9 House?

10 A That's it.

11 Q Do you know if other Park Police officers got  
12 calls from the White House?

13 A No, I do not.

14 Q Did anyone discuss -- am I speaking too softly?

15 A No.

16 Q Did anyone discuss contacts with the White House  
17 after you came back from the White House?

18 A I don't have a counsel here, but can I make an  
19 objection to one thing?

20 Q Sure.

21 A We have agreed, and I thought we had some ground  
22 rules, about things that went on at the White House in the

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1 FOI here, 7-A material that Mr. Fiske is still looking at.  
2 Is this in the scope of that?

3 Q I don't know what your agreement with Mr. Fiske  
4 was, but let me see if I can address that.

5 A Well --

6 Q The initial part that I said at the beginning was  
7 the death investigation of Mr. Foster.

8 A Yes, yes.

9 Q Mr. Fiske is still investigating aspects of  
10 the -- of your investigation that involved the search of  
11 Mr. Foster's office. And you're quite right. We don't  
12 want to go into that at this point.

13 A That's why I don't want to answer the question  
14 because to answer that question, I would have to get into  
15 that at this point. That was our agreement with  
16 Mr. Chertoff earlier at a meeting with our solicitor, that  
17 we would not discuss any of the contacts with the White  
18 House at that time, from that initial contact that I had.

19 Q Well, it's a tough line to draw, and I'm not  
20 privy to your conversations, but let me tell you where  
21 we've tried to draw the line. In some respects, the search  
22 of the office is relevant to the death investigation, but

1 clearly that's in the parameters of what Mr. Fiske has  
2 tried to section off.

3 A I understand that.

4 Q The question then becomes is what in between  
5 those two areas can we talk about now. And the parts that  
6 we have been going into, although we haven't always agreed  
7 perfectly either, have been questioning of Mr. Foster's  
8 coworkers, not the actual search of the office but  
9 questioning his coworkers and what may have come from  
10 that. There has been some testimony about -- from people  
11 that have gone up and had to wait to go into the office and  
12 that sort of thing, but I think we've tried to stay away  
13 from that.

14 But I guess I'm not trying to get into that. I  
15 think you're right. We don't want to go into the office  
16 search stuff but I am trying to get a sense of your  
17 investigation, how it proceeded and if there was any  
18 influence from the White House, so the reason I asked you  
19 about if you got calls from the White House, if you were  
20 contacted by the White House, were there other police  
21 officers, Chief Langston on down, that were contacted by  
22 the White House, is because we're trying to figure out if

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1 your death investigation of Mr. Foster was altered in any  
2 way or influenced in any way by those White House  
3 contacts.

4 A Well, to answer the question, I don't know if  
5 Chief Langston was contacted by the White House. Past that  
6 meeting, I was not contacted by the White House. My only  
7 contact that I found out about what was happening would be  
8 the normal routine reporting from Captain Hume where he  
9 would say the things that happened, and that's where we get  
10 into the stuff that did occur at the White House.

11 Q Okay. Well, let me ask it this way: Other than  
12 conversations you had with Captain Hume or other Park  
13 Police personnel about the search of the office, did you  
14 have any conversations with other Park Police officers with  
15 respect to their investigation of Mr. Foster's death after  
16 that point?

17 A Only that they would brief me that they had  
18 interviewed people and certain aspects of the case.

19 Q Do you recall who you spoke with and --

20 A I think I spoke to Detective Markland maybe one  
21 or two times. Most of my contacts were with Captain Hume.

22 Q And in the course of those conversations, did

1 Hume or Markland ever express to you -- and this is again  
2 other than the search of the office -- that they had been  
3 contacted by the White House in an attempt to influence  
4 their investigation?

5 A They never contacted me and said they had been  
6 contacted by the White House, in terms of someone trying to  
7 influence their investigation, no.

8 Q Are you aware of any attempts by anyone to  
9 influence your investigation or the reports that were  
10 issued by the Park Police?

11 A No, no one tried to influence what we did, or our  
12 report at all.

13 Q And I'm asking for your opinion on this  
14 question. Is it your view that the results of this  
15 investigation were not -- were or were not altered by White  
16 House involvement in your investigation?

17 A It is my opinion that the results of the  
18 investigation were not altered. It is my opinion that  
19 Vince Foster shot himself in the mouth at Fort Marcy Park,  
20 and we would have proven that anyway.

21 Q Now, I'm going to rely, since you're sensitive to  
22 this issue, I'm going to ask the question and I'll let you

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1 follow the correct contours. What's the basis of that  
2 opinion? Why don't you think the White House influenced  
3 your investigation and the results of your investigation?

4 A Well, because we have a lot to find out in  
5 suicide investigation. The scene tells you a lot. And  
6 even though we're supposed to always -- and I've been an  
7 investigator -- would look at it and say it looks like a  
8 suicide, we're supposed to approach it that it could be  
9 foul play. There's two sides of that foul play point. You  
10 know, in a suicide you want to prove that there's no foul  
11 play, and in proving that, you need to find out some state  
12 of his mind, of how he was. We found that out by  
13 interviewing family members, and that gave us some  
14 background. The scene itself was not conducive to a  
15 homicide scene, no sign of a struggle. And the autopsy  
16 itself.

17 Q What was it about the autopsy?

18 A Well, it looked like it was a gunshot wound, in  
19 and out. We read the autopsy reports and the medical  
20 examiner tells us, you know, it is conducive to a  
21 self-inflicted gunshot wound.

22 Q Are you aware of any facts or circumstances that

1 would imply that it was not, in fact, a suicide and that  
2 there may have been foul play?

3 A No.

4 Q Were you present at the August 10 press  
5 conference, joint press conference, I guess, between the  
6 Park Police and the Department of Justice?

7 A Yes, I was.

8 Q And at that press conference, I believe,  
9 basically the Park Police and the Justice Department  
10 announced that they were both closing their investigations?

11 A Yes.

12 Q Did you have any role in preparing Chief Langston  
13 for that press conference?

14 A Yes, I did.

15 Q And what did you do to help prepare him for that  
16 press conference?

17 A I think I wrote the basic statement that  
18 basically just -- I do not have a copy of it in front of  
19 me, but if my memory serves me correct, the statement said  
20 that based on the crime scene investigation, based on what  
21 we had found out in interviewing the family, based on the  
22 autopsy report, we determined that Mr. Foster was so

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1 discouraged that he took his own life in that park, is our  
2 conclusion of that.

3 Q Are you aware if the Park Police had planned on  
4 closing the investigation earlier but held off at the  
5 request of the Justice Department so that it could be done  
6 jointly?

7 A No, I'm not aware of that.

8 Q Did anyone from the Justice Department contact  
9 you about the press conference?

10 A No, never.

11 Q Do you know if they contacted Chief Langston?

12 A I don't know that.

13 Q But -- did Chief Langston ever mention it to you?

14 A I have a feeling if they would have contacted  
15 him, he would have told me about it. But I don't know for  
16 sure.

17 Q How would the press conference have been set up?  
18 Who would have been contacted by the Justice Department to  
19 schedule the press conference?

20 A Not us. They scheduled it. They wanted to  
21 review our case.

22 Can I back up to one earlier question about the

1 first meeting --

2 Q Certainly.

3 A -- the first meeting at the White House. And  
4 this gets into a little bit of a part that I didn't want to  
5 get into about the White House. In that first meeting,  
6 Mr. Nussbaum did make a statement that he thought that  
7 everything should be coordinated through the Attorney  
8 General. So I knew that would happen and that, you know,  
9 the FBI would be coming with us to look into the matter.

10 Q Well, did you view that -- did you feel that that  
11 obstructed your investigation in any way?

12 A No, I didn't feel it obstructed it. It's highly  
13 unusual. But then again, you know, we're talking about  
14 people on a different level than what we normally deal  
15 with. And I was not upset about it because in the scheme  
16 of law enforcement in the United States, and especially in  
17 the federal government, the Attorney General is basically  
18 our top cop, so for him to say that did not upset me. And  
19 I knew what the drill would be. We've had other cases  
20 where we've run joint investigations with the Justice  
21 Department, normally the FBI. So that didn't really upset  
22 me much. And I also knew that in looking at it, the FBI

1 had a legal right to be there, a jurisdictional right, in  
2 that if we did come up with for some reason there was foul  
3 play, it would be in their primary jurisdiction, under the  
4 assassination statute.

5 Q I want to ask you two things about that. First,  
6 you said it was highly unusual. I wanted to ask you to  
7 elaborate on that.

8 A Well, you know, crimes in the United States  
9 occurs in somebody's bailiwick, their jurisdiction, that's  
10 the agency who normally investigates it. And we certainly  
11 normally have gone through and completed that investigation  
12 without the agency's involvement. And I just never had  
13 that posed to me in those questions.

14 However, I did understand the reasons for the FBI  
15 inquiring about it. As a matter of fact, I think the FBI  
16 had already contacted us because we work enough together to  
17 know each other's jurisdiction, and they have a certain  
18 amount of definitely subject matter jurisdiction in this  
19 area. So that was not unusual to have contact with the FBI  
20 for us.

21 Q Well, that was going to be my second question,  
22 was the jurisdictional issue -- how did the jurisdiction

1 issue play out during the course of the investigation?

2 A I think after about two or three days the FBI was  
3 pretty sure, from talking to our investigators -- and I did  
4 not talk with them -- and talking with our people that it  
5 was not a murder, a homicide or assassination or terrorist  
6 attempt, and that it would be our jurisdiction from there  
7 on out.

8 Q Were you the one dealing with the FBI or was  
9 there another point of contact?

10 A It would have probably been Captain Hume talking  
11 with the agents involved, and they had some agents involved  
12 also in other aspects of what went on in the White House.  
13 I'm not that familiar with it.

14 Q What about contacting the Secret Service?

15 A Yes, we contacted the Secret Service the night of  
16 the death. They were contacted. That's our primary point  
17 of contact with the White House.

18 Q Did you contact them?

19 A No, I didn't. The field commander did,  
20 Lieutenant Gavin contacted them.

21 Q Let me go back to the August 10 press  
22 conference. Who would have arranged the joint press

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1 conference between Justice and Park Police for you guys?

2 A Well, it could have been a joint arrangement for  
3 both of us, however they did; Carl Stern, their PIO for  
4 Justice arranged it all.

5 Q Did someone from Justice call the Park Police?

6 A Yes.

7 Q Who did they speak with, do you know?

8 A Well, at one time somebody spoke to me about the  
9 times because it changed a couple of times. And it was  
10 just a matter of logistics. And the Washington field  
11 office of the FBI was also present.

12 Q Is there anything in any of the statements that  
13 were made at the press conference by Chief Langston that  
14 were either inaccurate or are now, given the change in any  
15 facts, inaccurate?

16 A Not anything of substance. He did mention  
17 something about that -- no fingerprints on the gun. I did  
18 know there was a palm print on a note. It was not  
19 identifiable, by the way, but there was one that they could  
20 pick out, a print.

21 Q Other than that, anything else?

22 A Other than that, he did mention something about a

1 box of records. It was not a box. We did have in our  
2 reports that the trash had been removed. At this time we  
3 didn't know about any records. We knew the trash had been  
4 emptied, which was brought back in a burn bag, brought back  
5 to the office. That caused some follow-up questions from  
6 some of the reporters.

7 Q Let me stop you. Is this part of the office,  
8 these are trash and records taken from the office?

9 A Sure.

10 Q Well, let's skip that.

11 A That's the only thing we knew was moved from that  
12 office at this time.

13 Q Well, we'll just leave that alone. Anything else  
14 related to the death investigation that was inaccurate in  
15 his statement?

16 A Not that I remember.

17 MR. IVEY: I don't have any other questions.  
18 Mr. Hines.

19 EXAMINATION

20 BY MR. DARMER:

21 Q Major, in describing the various components of  
22 your job, you mentioned you were responsible for security

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1 details?

2 A Yes.

3 Q What does that involve?

4 A That's security details for the Secretary of the  
5 Interior.

6 Q Did you say that involved certain high profile or  
7 special events?

8 A At times if they ask us, if we get requested, we  
9 could do that. Normally it's just dealing with the  
10 secretary.

11 Q But since you've been in this position has this  
12 ever involved the White House?

13 A No. They have their own, Secret Service provides  
14 them. I don't do anything with them.

15 Q Prior to this case, have you ever had any  
16 involvement with the White House in a case?

17 A In a case?

18 Q Yes.

19 A Oh, sure, after 27 years, I've had a lot of  
20 involvement with them. I couldn't even remember to tell  
21 you which ones.

22 Q In your position as chief of staff for the Park

1 Police chief --

2 A No.

3 Q -- had you ever been to the White House before?

4 A Yes.

5 Q In the course of an investigation?

6 A Course of the investigation, in the course of  
7 just stopping by.

8 Q Well, now I'm talking about in your official  
9 capacity.

10 A In my official capacity, it would all be  
11 official, but yes, we have.

12 Q What kind of investigation?

13 A Various things, mostly about demonstrations.

14 Sometimes it would have been somebody would be robbed  
15 outside the White House fence, which has happened, things  
16 like this. Not anything dealing with the White House and  
17 things like that.

18 Q What about with respect to any kind of major  
19 crimes?

20 A No.

21 Q In your current position, are you generally  
22 involved in any ongoing investigations of the department?

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1 A Only internal affairs matters.

2 Q "Internal affairs matters" means?

3 A Having to do with the internal affairs of members  
4 of the United States Park Police. This sometimes expanded  
5 to, at the request of the Interior, maybe a special  
6 investigation for Interior.

7 Q What's your relationship with Interior? Who does  
8 Police Chief Langston report to?

9 A Police chief reports to the regional director of  
10 the national capital region, who reports to the director of  
11 the National Park Service. Our position with the Interior  
12 is somewhat unique in that we provide security for the  
13 secretary, which gives us an avenue to have to talk with  
14 his staff of his movements and things that he's doing,  
15 where he might be a threat or have a threat, and we usually  
16 go with him and advance all his movements.

17 Q Did there come a time when you discussed this  
18 case with anyone in the Department of the Interior?

19 A Yes.

20 Q And when was that?

21 A That was probably around July 22. And this gets  
22 into the other area that I would not like to talk about.



1 Q Well, you can talk about who you talked to.  
2 A Okay.  
3 Q We'll get to the substance when we get to it.  
4 A I talked to the chief of staff.  
5 Q And who was that?  
6 A Tom Collier.  
7 Q And chief of staff to -- who is Tom Collier chief  
8 of staff to?  
9 A Chief of staff to the Secretary of the Interior.  
10 Q Did you contact him or did he contact you?  
11 A We contacted them.  
12 Q And what was the purpose of making that contact?  
13 A Because we --  
14 MR. IVEY: Does this get into the area?  
15 THE WITNESS: This gets into that other area.  
16 That was the whole purpose of that.  
17 BY MR. DARMER:  
18 Q So you contacted Mr. Collier in connection with  
19 the search of Foster's office?  
20 A Yes.  
21 Q Have you ever contacted the chief of staff to the  
22 secretary of the Interior in the course of a prior

1 investigation?  
2 A No, not directly.  
3 Q Did you think it was unusual to be contacting  
4 Mr. Collier?  
5 A No.  
6 Q Why not?  
7 A Because I felt that he could clarify some issues  
8 that we had, which he did.  
9 Q Did you feel that you could not pursue your  
10 investigation absent contact with Mr. Collier?  
11 A No, not really.  
12 Q How many conversations did you have with  
13 Mr. Collier?  
14 A I think I had two conversations with  
15 Mr. Collier. One was very short. As a matter of fact,  
16 both of them were short.  
17 Q In person or on the phone?  
18 A In person.  
19 Q Who else was present?  
20 A Chief Langston was present.  
21 Q Anyone else from the Secretary of the Interior's  
22 office, the department?

1 A No. The secretary, as far as I know, was not  
2 contacted at all.

3 Q Did you provide Mr. Collier or anyone in his  
4 office any material related to your investigation?

5 A No.

6 Q Do you recall briefing him about the substance of  
7 the investigation?

8 A Yes.

9 Q Do you know whether Mr. Collier had had any  
10 contacts with anyone from the White House?

11 A No, I don't know.

12 Q Did you discuss that at your meeting?

13 A No.

14 Q Did you ever follow up in terms of keeping  
15 Mr. Collier informed of the course of the investigation?

16 A Yes. When we were pretty sure about the fact  
17 that it was a suicide, we told him that. But that's all.  
18 I had no other contact with him.

19 Q When do you feel that the department became clear  
20 that this was a suicide?

21 A Probably around, after we had the interview with  
22 Lisa Foster.

1 Q Do you recall when that was?

2 A No, I don't. I think the 26th or 27th.

3 Q Up to that point, had you ruled out the  
4 possibility of a homicide?

5 A No, we hadn't. You know, we always keep that  
6 open, because it could be. It was after we had determined  
7 his state of mind and put all that stuff together, we  
8 reasonably concluded that it was a suicide.

9 Q Was Mr. Collier or anyone from the Department of  
10 the Interior involved in planning for the press conference?

11 A No, not to my knowledge.

12 Q Did you contact the Department of the Interior in  
13 connection with your decision to close the investigation?

14 A Yes, I think the chief did that. I didn't.

15 Q Is that the ordinary course to advise them of the  
16 timing of an investigation?

17 A Not in most suicides. I think given the fact  
18 that somebody at this level commits suicide, I think it  
19 would be the normal, prudent thing to do.

20 Q Are you aware of any other cases that the Park  
21 Police has been involved in where a high-profile government  
22 employee or appointee committed suicide?

A No.

Q So this was a unique case from your point of view?

A This was a very unique case.

Q Was there concern within the Park Police about how to proceed with the investigation?

A No.

Q Were you concerned that you would be under scrutiny in the course of the investigation?

A During the course of the investigation, I was never concerned about it.

Q Why is that?

A Because I knew we would investigate it, I knew it would be -- if there was foul play, we would find out about it and that if it was suicide, it would be a suicide. I was fairly confident of the investigators, I had been in charge of the investigative unit. I knew all the players so I was fairly confident.

Q You were getting substantial inquiries and contacts from the press during this time, were you not?

A Sure, sure.

Q Did that not increase the anxiety level or the

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concerns, your concerns about the investigation?

A No. It only -- I guess just what the normal reaction is, they were always reading something into it that's not there. And because it was an ongoing investigation, they didn't get all the facts. They got the basic facts of what happened, and they just kind of started adding on, and actually much of that was much later, after we had closed the case.

Q How do you think the ongoing media exposure or media contacts affected the investigative personnel?

A Well, investigators generally do not like to be hampered by news media calls. That's why I'm in the position I'm in, to field that and get the information from our investigators. And I know from experience that when I'm trying to work the case, if I've got to call a lot of news media people, it does interfere with me getting on and doing the job that I'm supposed to do. And I think that if the media contacted them, some of them didn't like that.

Q Do you know if the media ended up contacting individuals?

A I do not.

Q Is there any kind of standard operating procedure

1 or general order concerning how to deal with media  
2 contacts?

3 A Yes.

4 Q Can you describe that to me?

5 A Basically it tells us that media contacts will be  
6 cleared through the media officer, PO, which is me. And I  
7 do not stop our people from talking to the news media. I  
8 just want to know when they do and what they say, because  
9 sometimes you can get blindsided. And normally we funnel  
10 everything through, especially on some cases where we are  
11 going to have a lot of people to be -- we don't have a lot  
12 of people to be dealing with. We have a very small  
13 investigative staff. They were busy investigating not only  
14 this case but other cases. There's not a lot of time.  
15 Basically this says everything will be funneled through one  
16 office and, you know, we know when they're going to talk to  
17 reporters.

18 Q Is it a written policy?

19 A Yes, it is.

20 Q Did you or your office issue any different or  
21 additional orders concerning media contacts in the Foster  
22 case?

1 A No, we didn't.

2 Q You mentioned that there's a possibility of  
3 getting blindsided if investigative personnel are having  
4 contacts with the media. What do you mean by that?

5 A What it means is sometimes they might know  
6 something and might say something that they haven't told  
7 the official spokesman about, or spokesperson. And the  
8 spokesperson may say something and then, well, what if this  
9 officer said this and that, and you don't know about it,  
10 that's what I mean, more embarrassing than blindsided.

11 Q Sure. Is there anything in your standard  
12 operating procedures or general standarding orders  
13 concerning investigations of high profile or high  
14 government employees?

15 A No, no. We have things about how we conduct an  
16 investigation, we have all kinds of training manuals, but  
17 nothing says if they're high profile, we do this or this.  
18 We just have to handle that as the case may be.

19 Q Did there come a time when you gave special  
20 orders or discussed the way the case was going to be  
21 handled with the investigative personnel in this case?

22 A No.

1 Q You mentioned that you had a conversation, I  
2 guess, on the night of the death, July 20, with Lieutenant  
3 Gavin. Did Lieutenant Gavin tell you that the preliminary  
4 determination was this death was a suicide?

5 A No, Mr. Gavin did not tell me the preliminary  
6 investigation said it was a suicide. He said that the body  
7 was found, there was a gun in the hand, and it was  
8 apparent. That's what he used, the word "apparent"  
9 suicide. But he did not say that was the finding of the  
10 preliminary investigation.

11 Q Did you question him on what he meant by  
12 "apparent"?

13 A I knew what he meant.

14 Q What does that mean?

15 A Apparent means it looks as if somebody shot  
16 themselves, basically.

17 Q But you don't know?

18 A Well, when you've looked at enough of them, you  
19 get a sense, after you've looked at enough homicide or  
20 suicides, what it is, and you always have to sometimes keep  
21 your defenses up to not make an assumption that could be  
22 wrong. But it was apparent that it was a suicide.

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1 Q Who else would have received a call from  
2 Lieutenant Gavin on the night of the death?

3 A Well, the Secret Service. He contacted the  
4 Secret Service to inform them. That was probably their  
5 initial call.

6 Q Did you instruct him to do that?

7 A Oh, he'd already done that before he called me,  
8 I'm pretty sure. I'm not sure the sequence of that, but I  
9 think he'd already done it.

10 Q Are you aware of any other contacts between the  
11 Secret Service and Park Police that night or the next day?

12 A No, I'm not.

13 Q Do you know whether the Secret Service picked up  
14 the pager that had been found with Mr. Foster on the night  
15 of the death?

16 A No, I do not. I don't know if it was picked up  
17 or turned into our property office. I know we did pick it  
18 up initially. What happened to that I'm not sure.

19 Q Would it surprise you if I told you the Secret  
20 Service picked up the pager that had been held by your  
21 property office before any analysis of the pager had been  
22 done?

1 A Yes, it would. I didn't know they did that.

2 Q What's the general guidelines or standard  
3 operating procedure for release of evidence found at a  
4 death scene?

5 A Generally evidence found at a death scene is not  
6 released until we process it to the satisfaction of the  
7 investigator and the ID technician working on it.

8 Q Would that normally be -- would any release of  
9 evidence found at a death scene have to be approved by the  
10 detective in charge or by some other superior officer?

11 A Sure, sure.

12 Q Who did you believe was the detective in charge  
13 of this case?

14 A Well, Captain Hume was the lead investigator or  
15 supervisor. The lead investigator was Detective Markland.

16 Q Have you worked with Detective Markland before?

17 A Yes, I have.

18 Q You said you had a conversation with Mr. Burton  
19 of the White House, and that was on the morning of the  
20 21st?

21 A Yes, I think that was to set the time that we  
22 would go meet at the White House, which I believe was 10:00

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1 in the morning.

2 Q I think you said that you offered your services  
3 in the investigation to Burton when you spoke to him. What  
4 did you mean by that?

5 A Well, normally I mean, you know, it's not every  
6 day that you have somebody in the White House this high  
7 up. We offered our services that we would come and brief  
8 them if they wanted us to. Normally we would brief family  
9 members and sometimes family members' attorneys  
10 representing their estate, things like this. And that's  
11 what I meant by it.

12 Q Had anyone briefed you or informed you about the  
13 notification of the family that had occurred the night  
14 before?

15 A Only that Detective Braun -- I had been told that  
16 Detective Braun had made notification to Lisa Foster the  
17 night before.

18 Q But you personally didn't speak to Investigator  
19 Rolla or Investigator Braun?

20 A No.

21 Q When did you discuss holding off on issuing a  
22 press release concerning the death?

1 A We never discussed holding off on it.  
2 Q When did you first discuss the press release with  
3 anyone from the White House?  
4 A Oh, I didn't discuss anything about the press  
5 release with the White House. Only with Justice.  
6 Q Okay. When -- who did you discuss the press  
7 release with?  
8 A The chief discussed the release of that press  
9 release. I did not. I think they had determined on the  
10 day, one day, and then they said it wouldn't be that day.  
11 I think it turned out to be August 8.  
12 MR. IVEY: Wait a\*second.  
13 BY MR. DARMER:  
14 Q I'm talking about the initial press release  
15 related to the discovery of the body --  
16 A Oh, that press release.  
17 Q -- not the one relating to the press conference.  
18 A I only discussed that with Mr. Burton, and I said  
19 this is our routine, and he says handle it routinely like  
20 you would do. And I said routinely we have a little press  
21 release form. And it says that such and such, white male,  
22 was found, apparent suicide, and name withheld pending

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1 notification of next of kin. I said that's normally what  
2 we would do. He said fine, we would like to notify his  
3 mother. And I said we will not release his name until  
4 tomorrow sometime so you have time to do that. That was  
5 done on July 22.  
6 Q July 22?  
7 A I'm sorry, July 21. Evening of July 21.  
8 Q That conversation?  
9 A Yes.  
10 Q Did there come a time when you learned that the  
11 White House had issued a press release?  
12 A Well, I didn't learn that, but I mean I just kind  
13 of put two and two together when they started calling us  
14 that somebody had issued one. I knew it wasn't us.  
15 Q You never saw a press release issued by the White  
16 House?  
17 A No.  
18 Q Were you informed or did you know that  
19 Investigator Braun had requested that Foster's office be  
20 sealed the night of the notification?  
21 A She has told me that, yes, since that time. And  
22 it's normal -- it would be normal procedures for her to do

1 that. I mean, I didn't bother asking her because I know  
2 that's normally what we would do. And she has told me on  
3 two occasions, because there's been some controversy  
4 whether they did -- whether she did or didn't. And I  
5 believe her.

6 Q Did you mention that in your conversation with  
7 Mr. Burton on the morning of the 21st?

8 A I'm not sure, but I think on that night, I told  
9 him that we would probably need the office secured. And  
10 this is late, this is after 10:00 at night. And I'm pretty  
11 sure I did mention to him, that it is normal procedure that  
12 we would need the office secured.

13 Q Why would the Park Police want the office  
14 secured?

15 A Well, we go in there to look for a note on the  
16 suicide or any other information that might lead one to  
17 believe that he had a reason to commit suicide, or if  
18 there's something that could say that there was foul play.

19 Q In your experience, what might some of those  
20 indicators be? I mean what could you be looking for?

21 A You mean documents, normal?

22 Q Yes, normal.

1 A Sure. We would know if he had a note, we could  
2 look at the notes and maybe see -- there might be two or  
3 three. Normally sometimes people leave them where they can  
4 be found. Sometimes people will leave them where they  
5 can't be found initially but they eventually can be. We  
6 would be looking for some information of maybe financial  
7 difficulties, because a lot of people commit suicide, in  
8 our experience, because of financial difficulties; items  
9 like that we would be looking for. And once we found,  
10 knowing -- knowing how we worked, once we found the things  
11 that would lead us to believe it was a suicide, we would  
12 stop our search.

13 Q What kind of documents would you look at to  
14 determine if someone was experiencing financial  
15 difficulties, for example?

16 A Well, we would look in his office, in his files,  
17 just to see -- if we find records, we would find out that;  
18 go to bank statements, we would go through that. We didn't  
19 find that, though.

20 Q You say you didn't find that. What kind of  
21 investigation did you do to determine whether he was --  
22 Mr. Foster was experiencing financial difficulties?



1 A Well, we just inquired from his family and made  
2 other inquiries to find out. We found out that he had  
3 none.

4 Q Do you recall specifically who you inquired of?

5 A I think in one of the interviews we did ask  
6 about, that he had been overdrawn once on his accounts, but  
7 we found, in checking, there was no concern of finances on  
8 his part.

9 Q Did you ever look at any checking account records  
0 or financial records?

1 A I don't recall. I did not. The case file might  
2 indicate that. I don't recall seeing it.

3 Q Did you ever determine whether Mr. Foster  
4 maintained an office at home or had any records or files at  
5 home?

6 A No, we didn't.

7 Q In an ordinary suicide investigation, what would  
8 you expect to do at the deceased's home?

9 A Well, after we make the initial notification and,  
10 you know, show compassion for the deceased's family, we  
11 would tell them about how we proceed in the investigation.  
12 That's normal for any crime victim. You let them know what

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1 they can expect in the investigation, and that we may need  
2 to look for some items to show that there was no foul  
3 play. If they have a reason, and they sometimes  
4 immediately tell us they have a reason and sometimes many  
5 times they don't.

6 Q So what kind of things would you expect to  
7 describe to a family of the deceased in a suicide case,  
8 what they could expect?

9 A Well, expect that we need to ask about his  
0 finances, about his state of mind, especially some of the  
1 behaviors that he has been showing in the last couple of  
2 weeks. And items like that.

3 Q What about in terms of the investigation of  
4 health, health or domestic issues?

5 A Yes, do you have any health problems, terminally  
6 sick, something like that, that we didn't know about.

7 Q Do you generally look for medication?

8 A We look for medications.

9 Q What about investigation into the status of the  
10 domestic situation of the deceased?

11 A Yes, we will do that also.

12 Q Is that sometimes difficult to do?

1       A    It's very difficult to do.

2       Q    Do you know if that was done in this case?

3       A    No, we didn't -- well, when they interviewed Lisa  
4 Foster, there was no indication of domestic problems.  
5 Initially I think our reports bear this out. Initially the  
6 night of the notification the family said they had no  
7 reason to believe why he would commit suicide, and other  
8 people said the same thing. That's not unusual for us to  
9 hear that. I mean that's -- I guess we consider that a  
10 denial, first phase of grief for what's happened.

11           When they're in, especially what's called the  
12 impact, shock stage of being notified, it's not unusual.  
13 Sometimes people do say yes, he's been very depressed and  
14 all this. But we knew we would get a different story in  
15 days to come.

16       Q    Well, what kind of story did you get in the days  
17 that followed when you talked to people?

18       A    In the days that followed, I think it's been  
19 reported in the Fiske report and ours, that he had been  
20 very depressed and he had expressed that to other family  
21 members, his sister, his brother-in-law, his wife. And all  
22 the telltale signs started falling out then of things that

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1   we found out about his work declining and stuff like this.

2       Q    In light of what you subsequently learned from  
3 the family and friends about his state of mind, are you  
4 surprised that no one mentioned depression or his general  
5 state at the notification?

6       A    No. As I said earlier, that sometimes is an  
7 initial response in the impact stage of being notified,  
8 it's called denial. They just deny that there's nothing  
9 wrong when, in fact, it is. And that's happened before.  
10 It's not unusual.

11       Q    How soon after a notification do you generally --  
12 and when I say "you," I mean the Park Police -- generally  
13 follow up with the family or friends or business  
14 associates?

15       A    Well, we normally give them a little bit of space  
16 to take care of the deceased, take care of funeral stuff,  
17 unless we happen to find out that it might be foul play.  
18 Then we have to -- we have to determine that and so forth.  
19 We usually allow them that time to have their grief and  
20 take care of those personal family matters that need to be  
21 taken care of. So it could be any place between four to  
22 five days.

Q You mentioned earlier that in the course of an investigation of a death that might be a potential suicide, that you would talk to family members. Would you ordinarily talk to the children of the deceased?

A At times, yes.

Q What would you hope to learn from them?

A Sometimes we don't. Sometimes we get the information from the wife. If we felt we needed to talk to the children, we would.

Q What might be some of the reasons why you'd want to talk to the children in addition the wife?

A Just to find out state of mind. And if we had any indication that maybe there was something going on domestically or something we'd talk to the children. Normally most of what we get, we get usually from the wife as opposed to the children. The children are sometimes, many times, most of the times more adversely impacted by a suicide than even a spouse would be.

Q Why is that?

A Well, it's just kind of hard. It's just that children take these things a little bit differently than a spouse, even though it's tragic for all of them. So

sometimes the wife, sister or brother-in-law can shed more information without having to put the kids through that trauma again.

Q Do you know if the Park Police attempted to talk to the Foster children in this case?

A I don't think so. Although the daughter was there the night of the notification.

Q In your experience, Major, is it usual when police go to talk to family members or friends that a lawyer will be present or other people will be present?

A No. I have had lawyers present. And they were there not as an attorney, like here representing me today or, like to object to any questions. I've had lawyers present. Their primary concern is they're there for estate matters only. I've had that before. Normally that is not what we run into.

Q Why is that?

A Why is it normal? It's just normal that when we investigate, we go to the family members and sit down and talk to them, and we have a method of doing it. I think we do it pretty good myself, to put them at ease. And we do a little -- our investigators have been trained. We

1 routinely make notifications to people, whether they're  
2 killed in a car accident or homicide victim or suicide or  
3 anything. So it's part of our training to kind of be  
4 compassionate and find out the information and we can do  
5 that. We feel we're fairly skilled in doing that.

6 And we just -- if a lawyer is there, he's there.

7 We don't object to it. But in my past experience, most  
8 lawyers I've had contact with, it has to do with handling  
9 estate matters, when can I pick up his car, when can I do  
10 these things, and going about the administering of the  
11 estate.

12 Q Do you think that the presence of lawyers or  
13 other people at interviews that you might conduct with  
14 family or friends would affect the witness?

15 A Could affect the witness, doesn't affect us. We  
16 work with lawyers every day.

17 Q I realize that. I'm specifically asking how you  
18 think it might affect the information you could obtain from  
19 a witness because of these other people present.

20 A It could have. I really don't have a strong  
21 opinion on that. I mean could have, especially maybe the  
22 witness was placed in a certain defensive mode, thinking

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1 the lawyer has got to be here. It could very well be.

2 Q Did you participate in any of the interviews with  
3 any of the family members or friends in this case?

4 A No, I did not.

5 Q Would you, in your experience, would the Park  
6 Police allow a lawyer present at an interview to dictate  
7 the scope of the interview?

8 A We might have to set up some ground rules before  
9 that, but normally before, we've never had a case like  
10 this. I mean, we've talked to people and there's no  
11 lawyers there; we've talked to people, the lawyer has been  
12 there and didn't say a word, addressed the interview and  
13 was there only for estate reasons. I personally have had  
14 that experience. It's just normally the private attorney  
15 is just not there in these matters. Could be. If he's  
16 there as an attorney and friend who has been a long-time  
17 attorney, that would be fine with us.

18 Q But you'd be surprised if a family lawyer or  
19 lawyer tried to impose limits or structure Park Police'  
20 investigation?

21 A Yes, I would be.

22 Q By the way, are you familiar -- did you ever read

1 the reports from the actual notification that Investigators  
2 Rolla and Braun filed?

3 A Yes.

4 Q Are you aware that certain things were left out  
5 of those reports?

6 A No. For instance?

7 Q Were you aware that the president of the United  
8 States showed up at the Foster house while the officers  
9 were attempting to do notification?

10 A I was aware of it, and also that it was not in  
11 the report, yes.

12 Q Are you aware that certain statements made by  
13 Lisa Foster to investigatory personnel are not included in  
14 the reports?

15 A No, I'm not aware of that.

16 Q Would that surprise you?

17 A Yes, unless they're in the officer's notes that  
18 they just didn't put down in the report.

19 Q Tell me about officers' notes. Do officers  
20 ordinarily keep the notes they make?

21 A I did. Some officers don't.

22 Q What would you do with them in terms of the case

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1 file, the case file that's maintained by the office?

2 A I keep my notes in the notebook, and they're my  
3 personal notes. They stay in my notebook. I may use them  
4 in court when I testify, when I testify from those, because  
5 it is the best evidence, I'll refer to them and open up my  
6 notebook and refer to my notes.

7 Q To refresh your recollection?

8 A Yes. Otherwise they stay in my notebook.

9 Q So there never comes a time when they're copied  
10 and slipped into the case file jacket?

11 A They did in this case.

12 Q But what about in an ordinary case?

13 A In a normal case I never did it, and it's not a  
14 practice that I wish to be followed.

15 Q Why did they end up getting put into the case  
16 file in this case?

17 A I have no idea.

18 Q Do you know if the notes of any other detectives  
19 or investigators in this case were included in the file?

20 A Probably everybody's notes were included in the  
21 file.

22 Q Did you ever have an opportunity to see a report

1 before it was finalized or put into the file?

2 A No.

3 Q Is it standard procedure for any superior officer  
4 to review the report of an investigator or officer?

5 A Sure. It wouldn't have necessarily been me. I  
6 mean, at least if a detective wrote a report, it should  
7 have been approved by a lieutenant or captain. It wouldn't  
8 have had to have been approved by me.

9 Q Who told you to put your notes into the file?

10 A I never put my notes in the file.

11 Q Didn't you say you made copies of your notes and  
12 put them in the case jacket?

13 A I never did.

14 Q So your notes are not part of the Park Police  
15 official case file?

16 A My notes, no.

17 Q But you have notes that you took in the course of  
18 this case?

19 A No, no, I didn't keep a notebook on this case. I  
20 wasn't investigating this case so I didn't keep any notes  
21 about the case.

22 Q Did you create any kind of documents or memoranda

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1 in this case?

2 A No, I did not.

3 Q When you were having conversations with  
4 Mr. Burton or people from the FBI, would you keep notes of  
5 those conversations?

6 A I basically wrote it down on a paper like this.  
7 I didn't keep a written record of that.

8 Q What would you have done with the notes you wrote  
9 on a piece of legal paper?

10 A After I was pretty sure I remembered what it  
11 would be, I threw it away, didn't need it anymore.

12 Q Did you ever prepare any kind of talking points  
13 or status reports to the chief in this case?

14 A No, I didn't.

15 Q Is that unusual?

16 A No, it's not.

17 Q How did you keep him briefed?

18 A I keep the chief informed, mostly because he is  
19 more of a verbal person than written person, I keep him  
20 verbally informed.

21 Q Do you sit in proximity to each other?

22 A Yes, I sit right next to him.

1 Q So you're speaking with him on a regular basis?

2 A On a regular basis.

3 Q Just so I'm clear, you say you did not keep any  
4 notes in this case?

5 A No, I didn't.

6 Q But you ordinarily keep notes in other cases  
7 you're involved with?

8 A In cases I'm investigating. In cases that I'm  
9 just acting as the information media person, I don't keep  
10 notes on it, other than a scratching pad, what I'm going to  
11 give to them.

12 Q When is the last time you were involved in a case  
13 in an investigatory role?

14 A About three weeks ago.

15 Q What kind of case was that?

16 A That was a case involving -- it had nothing to do  
17 with the White House.

18 Q Sure. I hope not.

19 A It involved the Bureau of Land Management in  
20 Boise, Idaho.

21 Q Why were you involved?

22 A Because I didn't have enough people in the

1 internal affairs unit to send out so I had to go myself.

2 Q So you were involved in an internal affairs  
3 investigation?

4 A It was an internal affairs case.

5 Q When is the last noninternal affairs  
6 investigation that you've been involved with; in other  
7 words, involving an outside --

8 A 1991, when I was commander of the criminal  
9 investigation branch, I would supervise the  
10 investigations. I didn't actually conduct them. That was  
11 when I was last included.

12 Q But since you've been promoted to the chief's  
13 office and you're essentially in an oversight  
14 administrative role, you're not involved in criminal  
15 investigations?

16 A Sure. I was involved in criminal investigations  
17 for eight years. At that time I was commander of the unit  
18 and it was still oversight.

19 Q Were you in the position that is currently held  
20 by Major Holmes?

21 A Major Holmes, yes.

22 Q So Major Holmes reports to you?

- 1 A No, no, he does not. He reports to the commander  
2 of operations division.
- 3 Q Who is that?
- 4 A Deputy Chief Champ.
- 5 Q It's a different chain?
- 6 A Different chain all together.
- 7 Q But you still have conversations with Captain  
8 Hume, for example, from time to time?
- 9 A Sure, especially, chief may say look at this,  
10 keep your eye on this case. He didn't in this case. I did  
11 that primarily for media relation purposes.
- 12 Q But that's not unusual?
- 13 A Not at all.
- 14 Q You mentioned a couple times you talked to  
15 Detective Markland. Would you just pick up the phone?
- 16 A Yes, if I had a question, how's it going,  
17 something like that.
- 18 Q Would that be considered unusual by anyone?
- 19 A No.
- 20 Q Would that put anyone, Major Holmes' or Captain  
21 Hume's nose out of joint?
- 22 A No. Because I operate from a staff position from

- 1 the office of the chief and not from a line position; they  
2 know that that's my function.
- 3 Q As a result of your position, are you  
4 automatically fed copies of all reports in cases you are  
5 monitoring?
- 6 A Not automatically. Sometimes I should be fed  
7 them and I have to ask.
- 8 Q On the morning of the 21st when you were trying  
9 to come up to speed on this case, do you remember who sent  
10 you some of the reports you were issued?
- 11 A No, I don't.
- 12 Q Do you remember talking to Major Holmes on that  
13 morning?
- 14 A I think I might have talked to Major Holmes, but  
15 I'm not sure.
- 16 Q Do you know if he had any involvement in this  
17 case?
- 18 A He had very little involvement in this case.
- 19 Q So you were really dealing with Captain Hume and  
20 Detective Markland?
- 21 A Sure.
- 22 Q Did you know what kind of experience investigator



1 Rolla or Investigator Braun had in terms of major crimes at  
2 the time of this death?

3 A They had been trained, been to the consolidated  
4 law enforcement school for criminal investigations. They  
5 had been in CIB, both of them, for a short period of time.  
6 I don't recall the amount of time at that time. But they  
7 had had crime scene experience. And definitely they have  
8 had experience on death notification and we have training  
9 on death notification.

10 Q Were you concerned that they were relatively  
11 junior investigatory personnel at the death scene?

12 A No.

13 Q Would you expect that someone more senior would  
14 have been called to the death scene in a case like this?

15 A No. The reason being is that like I say, the  
16 criminal investigation branch runs with about 25  
17 investigators, eight or so ID techs. I would have been  
18 more concerned if it had been a new ID tech as opposed to  
19 an investigator. We do work shift work, so sometimes your  
20 most senior or the investigator you'd like to be at the  
21 scene might be off or might be coming on midnight or  
22 something like that.

1 Q When you mention 20 or 25 people, are they all in  
2 major crimes?

3 A That's major crimes. I'm speaking of major  
4 crimes.

5 Q Because we've heard about a narcotics division.  
6 That's separate?

7 A That's separate.

8 Q Do you know who the ID technician was on the  
9 death scene in this case?

10 A I think it was Officer Simonello.

11 Q Are you familiar with his work?

12 A Oh, yes.

13 Q Comfortable with his work?

14 A Oh, yes.

15 Q Are you aware that the 35 millimeter photographs  
16 that were taken at the scene didn't turn out?

17 A Yes.

18 Q Does that surprise you?

19 A Yes.

20 Q Why?

21 A It makes me mad. But things happen. I think  
22 this occurred in the development of the film, maybe. When

1 the film was developed -- I don't think Simonello developed  
2 the film -- it was underexposed.

3 Q In your experience as a criminal investigator and  
4 detective, how often have crime scene photographs not  
5 turned out?

6 A Over 27 years, about 14 years being that, maybe  
7 three or four. One time I took the pictures. Things like  
8 that do happen.

9 Q Did there ever come a time when you yourself  
10 looked at the photographs taken at the scene?

11 A Yes, I did.

12 Q When was that?

13 A Oh, probably a couple weeks after when they were  
14 developed I looked at them.

15 Q Why would you have looked at the pictures?

16 A I just looked -- I only worked out of a file that  
17 they gave me, the basic reports. I just looked at them to  
18 see what it was like. I noticed they were underexposed.  
19 We usually back up with Polaroids. Sometimes we back up  
20 with video, we didn't do that this time. The Polaroids  
21 showed what the scene looked like. It was pretty normal  
22 for a suicide scene.

1 Q Were they pretty clear, the pictures?

2 A The Polaroids were. The others were  
3 underexposed.

4 Q Do you know who was responsible for developing  
5 the 35 millimeter pictures?

6 A I don't remember.

7 Q Do you contract that outside of the Park Police?

8 A Sometimes it is. Sometimes it's internal. And I  
9 don't know which was done this time.

10 Q But there are photographic lab facilities on  
11 site?

12 A Sure.

13 Q Did there come a time when any of the -- when you  
14 were informed that any investigators or detectives on the  
15 case were still considering homicide as a possibility?

16 A No one ever informed me of that.

17 Q When you looked at the photographs of the death  
18 scene, do you recall whether you could see any landmarks or  
19 anything that would indicate the geographical area where  
20 the body was found?

21 A You mean Fort Marcy in particular?

22 Q Exactly.

1 A No, only except the description. It looked like  
2 to me he was laying in some foliage and woods and stuff  
3 like that.

4 Q In your experience, are so-called relationship  
5 photographs ever taken to show the body in the context of  
6 where it's found?

7 A Should be taken every time.

8 Q What would that entail?

9 A You start out with a broad overview, say this was  
10 a crime scene room. I would walk into the room, have a  
11 picture taken the minute you walk in. I would have that  
12 supplemented by a drawing, a crime scene sketch. And you  
13 get an overview of the relationship and then you narrow  
14 down into the scene.

15 Q Do you know if any sketches were done in this  
16 case?

17 A I have not seen one.

18 Q Who ordinarily would do a sketch of the crime  
19 scene?

20 A The ID tech would normally do that, or a  
21 detective could do it. Should be the responsibility of the  
22 detective to ensure that it is done.

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1 Q If there were significant landmarks or defining  
2 features in the area where a body was found, would you  
3 expect those to be included in the pictures?

4 A I would expect them to either be in a photograph,  
5 and if not in a photograph, listed on a crime scene sketch.

6 Q And the crime scene sketch would --

7 A Or as an alternative, either in the description  
8 of the crime scene, which in this case it was -- he was  
9 described as -- the cannon was described as the length from  
10 the parking lot and that he was 10 feet from the cannon,  
11 something like that.

12 Q Are you familiar with Fort Marcy Park?

13 A Yes.

14 Q Are you aware there's more than one cannon in the  
15 park?

16 A Yes, there's two.

17 Q Do you think that the reports in this case define  
18 which cannon the body was found near?

19 A It said the second cannon.

20 Q In your mind, is that clear which cannon that's  
21 referring to?

22 A That was clear to me. It was clear to me on July

1 21 when Lieutenant Gavin told me it was the second cannon.

2 Q Are you aware of press reports and stories that  
3 have perhaps questioned the location of the body in Fort  
4 Marcy Park?

5 A Yes, I'm aware of them.

6 Q But you're comfortable that the definition of  
7 "second cannon" is clear to anyone who is familiar with  
8 Fort Marcy Park?

9 A I'm sure if you're walking from the parking lot,  
10 it's the second cannon in.

11 Q Do you recall whether any of the photographs  
12 taken at the death scene show any part of the cannon?

13 A I'm not sure. I don't remember.

14 Q Do you know whether it's standard operating  
15 procedure or usual for the Park Police officer who first  
16 locates a body to file a report?

17 A Repeat that question.

18 Q Is it standard operating procedure or usual  
19 procedure for the first officer who finds a body to file a  
20 report?

21 A He should file a supplemental report or sometimes  
22 the reporting officer may file a report saying officer

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1 such-and-such found the body.

2 Q Do you know which Park Police officer was the  
3 first to locate the body in this case?

4 A Yes, I do.

5 Q Who was that?

6 A Officer Fornshil.

7 Q Do you know if he filed a report?

8 A I don't remember if he filed a report or not.

9 Q If I told you Officer Fornshil didn't file a  
10 report, would that surprise you?

11 A It would, because I would have read about it. I  
12 don't think I read a report that he wrote.

13 Q Would it surprise you that a superior officer  
14 told Officer Fornshil not to file a report?

15 A No.

16 Q Why is that?

17 A Maybe they decided they would have one officer  
18 make the initial report.

19 Q Do you know who filed the initial report?

20 A Officer Ferstl.

21 Q Do you know if either of those officers have  
22 experience in major crimes?

1 A They do not.

2 Q I'd like to go back to the morning of July 21  
3 when you were preparing to go to the White House. What  
4 kind of conversations did you have with Chief Langston in  
5 anticipation of going to the White House?

6 A Well, I told the chief that I didn't know who  
7 would be at the meeting, but we would brief them,  
8 basically, what I have previously mentioned, that we would  
9 brief them about what the scene looked like, what was  
10 apparent to us at the time, but we still had to look to see  
11 if it could have been foul play, if it could have been a  
12 homicide. We couldn't close our mind to that. And that we  
13 would need their help in conducting the investigation,  
14 interviewing people, looking at his office and things like  
15 this.

16 Q When you say "need their help," did you expect  
17 you'd have a difficult time accomplishing those things?

18 A No, no, I didn't.

19 Q How did you get to the White House?

20 A Drove up there.

21 Q Did you have any conversations en route?

22 A No, nothing, just minor small talk.

1 Q Why didn't you contact Captain Hume before you  
2 went up there?

3 A I just didn't.

4 Q I think you said that you made a presentation  
5 when you got to the White House. Who was doing most of the  
6 talking?

7 A Well, when the chief gave a little introduction  
8 and said he would turn it over to me because I had more  
9 knowledge about the case, I did most of the talking at the  
10 time.

11 Q What kind of introduction did the chief give?

12 A Oh, he just said, you know, what we had was an  
13 apparent suicide and that we were here just to give them a  
14 briefing on what we knew so far.

15 Q When you walked into the room -- by the way, were  
16 you in the Old Executive Office Building or in the west  
17 wing of the White House?

18 A In the west wing.

19 Q Were you introduced to everyone in the room?

20 A Some people we were introduced to, some we were  
21 not. The room was -- this is not a big office. It was  
22 David Watkins's office. And he was sitting at his desk, we

1 were sitting over on the side. There were several people  
2 sitting around, some standing around.

3 Q About how many people were in the room?

4 A I'd say at least 14, 15.

5 Q Did that surprise you?

6 A Not really. I think they were all -- I saw a lot  
7 of people who were in real shock -- I mean, I've seen  
8 people in shock before -- about the loss of Vincent  
9 Foster. Did not surprise me to see them all there.

10 Q Did you have to show any kind of identification?  
11 I mean -- in introducing yourself?

12 A No.

13 Q You mentioned that --

14 A I think when I went into the gates, I did. The  
15 chief was in uniform. I was in civilian clothes.

16 Q Does the chief generally wear a uniform?

17 A Most of the time he does, yes.

18 Q Was it unusual that you were not wearing a  
19 uniform?

20 A No, I wear a uniform about half the time.

21 Q You mentioned that you remember, of course,  
22 Watkins, it was his office; Mr. Kennedy and I think you

---

1 said Mr. Nussbaum?

2 A Mr. Nussbaum, Mr. Hubbell was there,  
3 Mr. Stephanopoulos was there.

4 Q George Stephanopoulos?

5 A Uh-huh, uh-huh.

6 Q Would you recall other names if I mentioned some  
7 names to you?

8 A I might recall their names.

9 Q Do you recall a Mack McLarty being there?

10 A Mack McLarty was not there. I did not see him.

11 Q You know who that is?

12 A I would recognize him by his picture. I did not  
13 see him. Mr. Bill Burton was there.

14 Q What about a Mr. Stephen Neuwirth?

15 A I didn't know Stephen Neuwirth at the time. He  
16 might have been there.

17 Q What about Ms. Maggie Williams?

18 A I don't think she was there.

19 Q Mr. Clifford Sloan?

20 A I didn't know him.

21 Q Did Mr. Hubbell introduce himself or tell you in  
22 what capacity he was there?

1 A I think I just recognized him, you know. He's a  
2 big football star from Arkansas and I'm from Texas so I  
3 just knew who it was. I've never met him before, somebody  
4 did say it was him. I think they did go around and say who  
5 he was.

6 Q Were there any uniformed officers in the room?

7 A I didn't notice any uniform. I think there was a  
8 Secret Service uniformed division officer in the room.

9 Q By the way, did you ever learn from Investigator  
10 Braun that Mr. Hubbell had shoved her out of the way in the  
11 course of the notification hearing?

12 A No.

13 Q Would that surprise you?

14 A Probably wouldn't surprise me. If he did --  
15 well, let me say that, yeah, I think it would surprise me  
16 if he shoved her. Knowing what kind of grief you're going  
17 through, I don't know. I would have been upset had she  
18 told me about that the next day.

19 Q Well, I will represent to you that Investigator  
20 Braun has stated under oath that --

21 MR. IVEY: Well, wait a second. You're actually  
22 conveying testimony that's confidential. I don't think you

---

1 can -- you might want to think about that.

2 THE WITNESS: Cheryl never told me about that  
3 episode. She did tell me about the president coming in  
4 with an entourage and soon after he got there, they just  
5 kind of faded. Which, you know, that's normal. I mean you  
6 think a detective on the Park Police, a lady detective who  
7 is there making notification, and all of a sudden the  
8 president of the United States walks in? How would you  
9 react? And he's got his entourage and they're there. You  
10 know at this time they are family friends. For her just to  
11 fade out would be -- and the fact that she was shoved, if  
12 she said that, she never told me that, I would have  
13 probably made a note of that myself.

14 BY MR. DARMER:

15 Q In your experience, at a notification do you  
16 normally expect cooperation from family and friends of the  
17 deceased?

18 A Normally. Sometimes it's not true.

19 Q Do you think that interfering in an officer's  
20 attempt to pursue an investigation would be considered  
21 cooperative?

22 A You mean next of kin notification?

1 Q Yes.

2 A I would think that it would be uncooperative,  
3 that I would not know from -- I was not there so I can't  
4 make a judgment on that.

5 Q Were all the people in Watkins's office, other  
6 than Mr. Hubbell, from the White House, do you know? I'm  
7 going back to the White House, the briefing now.

8 A There was one person not from the White House who  
9 was introduced to him. Mr. Hamilton was there.

10 Q Mr. James Hamilton, the family attorney?

11 A James Hamilton, yes.

12 Q Do you know why he was there?

13 A No.

14 Q Did he say anything during the meeting?

15 A No.

16 Q Did it surprise you that he was there?

17 A Yes, something you wouldn't see, when they  
18 introduced him as a family attorney, I said, well, like  
19 other times, the few contacts when I've had family  
20 attorneys, they're there for estate matters.

21 Q Did you or Chief Langston take any notes of that  
22 meeting?

1 A No.

2 Q Why not?

3 A We didn't feel it was necessary. I didn't feel  
4 it was necessary.

5 Q Did anyone discuss the confidentiality of that  
6 meeting or that anything said in the meeting was secret?

7 A No. Nobody discussed the confidentiality of that  
8 meeting or say it was secret. But until this time, I've  
9 never told too many people about that meeting because it's  
10 just my good sense and decorum that that should not be  
11 something that I should be talking to everybody about.

12 Q And again, what briefing had you received prior  
13 to this meeting with the White House officials?

14 A None.

15 Q Did you file a report in the main case file  
16 concerning this meeting?

17 A No.

18 Q Did you discuss the possibility of filing some  
19 kind of report?

20 A No.

21 Q Did you intend to discuss the meeting with  
22 Captain Hume or Detective Markland?



1       A    I would have if they would have asked me to. I  
2   mean I told them we had a meeting. When I met them, we'd  
3   had a meeting and we basically briefed some members of the  
4   White House staff on what had occurred and what we knew at  
5   that time. And I told them they should be expecting Park  
6   Police investigators to be there to interview coworkers and  
7   look in the office.

8       Q    Wouldn't you have -- or did you consider bringing  
9   the head investigator, the person who was going to be doing  
10  the investigation to the briefing, to introduce him,  
11  Captain Hume in this case?

12      A    Not at that time I wouldn't.

13      Q    I think you said earlier that Mr. Nussbaum in the  
14  course of the meeting said that the Park Police  
15  investigation should be coordinated with the Department of  
16  Justice; is that right?

17      A    He said words to that effect, either I want the  
18  AG to coordinate this investigation.

19      Q    Did he go into any detail about that?

20      A    No.

21      Q    Did anyone at that briefing specifically  
22  mention -- the assassination statute?

1       A    No.

2       Q    Did you or Chief Langston have a response or ask  
3   questions about what he meant by the involvement of the  
4   Department of Justice?

5       A    No.

6       Q    Was it your understanding that the Foster death  
7   investigation was to be a joint investigation with the  
8   Department of Justice?

9       A    Well, after that meeting, I understood that  
10  that's how it would probably be, and after they left, I  
11  thought it would be a joint investigation and we'd be  
12  working with the FBI on the case.

13      Q    What's the difference between a joint  
14  investigation with another law enforcement agency and  
15  interface or just interacting with other agencies?

16      A    Well, joint investigations meaning you're both  
17  looking at the same subject, maybe for prosecutor reasons.  
18  We run joint drug investigations all the time of different  
19  agencies working together and you all have a piece of what  
20  goes on in the action. "Joint" means two of you conducting  
21  the investigation and you're working along with the other  
22  person.

1           And the investigative results are not the sole  
2 property of either one of those agencies, but they're  
3 shared jointly.

4       Q   But this was -- so this was not a true joint  
5 investigation?

6       A   Well, in the end, if you'll see the report, it's  
7 our report and we turned it in to the Attorney General.  
8 And after the initial four or five days, other than  
9 contacting the FBI, I don't think they were included in a  
10 lot of the interviews that we subsequently conducted. But  
11 it was still coordinated and we turned our reports over to  
12 the AG.

13       Q   At what point did you turn over the reports?

14       A   I don't recall a date.

15       Q   Would that have been after your investigation was  
16 complete or before?

17       A   It was after our investigation was complete,  
18 before the press conference, two or three days before the  
19 press conference or just a couple days before.

20       Q   In your experience, you have been involved in  
21 other joint investigations involving the Department of  
22 Justice?

1       A   Yes, but never like this one.

2       Q   How were they different?

3       A   Well, you take a DEA investigation, we're working  
4 with a certain group on a drug investigation and we will  
5 issue a report and it will be our report and theirs. And  
6 as far as I know, it never goes past the U.S. Attorney, our  
7 main contact at that stage is with the U.S. Attorney. He's  
8 the only one that knows who did what.

9       Q   Have you ever been involved in a investigation  
10 with the Department of Justice involving senior political  
11 appointees in that department?

12       A   No, never.

13       Q   Do you know what position Mr. Hubbell has -- had  
14 in the Department of Justice?

15       A   I know what position he did have. We were not  
16 involved in an investigation at all, I mean whatever  
17 happened with him, I mean he did not, as far as I knew,  
18 have anything to do with the investigation, other than what  
19 you've just told me earlier.

20       Q   Do you know if any other senior officials in the  
21 Department of Justice ever became involved in the  
22 investigation?

1 A No.

2 Q Do you know if Mr. Heymann, who at the time was a  
3 senior official in the Department of Justice, ever was  
4 involved in the investigation?

5 A Only what I've read in the paper.

6 Q Are you aware of any contacts between Mr. Heymann  
7 and anyone in the Park Police?

8 A No, except we talked to him on the morning of the  
9 press conference.

10 Q Prior to the press conference?

11 A No.

12 Q Would it surprise you if someone at his level was  
13 involved in the investigation?

14 A No.

15 Q Why?

16 A Well, I would imagine that when Mr. Nussbaum said  
17 that he wanted the AG to coordinate it, they probably  
18 handed it to him and he assigned some other attorneys from  
19 the Justice Department.

20 Q Have you ever heard of someone named David  
21 Margolis?

22 A Yes.

1 Q How do you know him?

2 A Oh, probably over 27 years, I think he's a career  
3 Justice Department. I've ran across him.

4 Q Do you know if he was involved in the Foster  
5 death investigation at all?

6 A Yes, I do.

7 Q In what capacity?

8 A In the capacity that I do not want to talk about  
9 because it gets into the White House part.

10 Q Prior to that part of your investigation, did you  
11 have any contacts with Mr. Margolis?

12 A Not involving this case.

13 Q Was he at the briefing at the White House?

14 A No, he was not.

15 Q Do you know if he had any contacts with any of  
16 your investigatory or detective personnel?

17 A He certainly had some contact later on. When, I  
18 do not know.

19 Q And under what basis -- I guess could you  
20 describe to me again what is the basis for Department of  
21 Justice jurisdiction in this case?

22 A Well, the Department of Justice jurisdiction

1 would be primarily the FBI. Their jurisdictional basis, as  
2 far as the death, would be to determine if Vince Foster was  
3 murdered, if he was assassinated or if it was a terrorist  
4 act. They would have primary subject matter jurisdiction.  
5 That was clear. I knew that. And the FBI knew that. We  
6 all knew that. The other part of it is they're asking that  
7 the Attorney General coordinate this investigation.

8 And I said previously, we know that in the law  
9 enforcement world in the United States, especially in the  
10 federal government, the Attorney General is the top cop.  
11 So for the Attorney General to be assigned to take over  
12 this task, even though it's our primary bailiwick, if we  
13 proved that it was not a terrorist attack or something like  
14 this, it would be something they could do. Not normally  
15 done but would not be that rare.

16 Q Following that meeting, was it your understanding  
17 that the Department of Justice was in charge of the  
18 investigation?

19 A I was not real clear about who was in charge. I  
20 knew that we would be coordinating everything with the  
21 Department of Justice.

22 Q But did you have a sense that Department of

---

1 Justice would be calling the shots?

2 A Not at that time.

3 Q Did there come a time when you determined that  
4 Department of Justice was really in charge of this  
5 investigation?

6 A There came a time when I determined that they  
7 were calling a lot of shots, setting up a lot of protocols.

8 Q When did that become clear to you?

9 A Probably on the evening -- on the evening of July  
10 22.

11 Q So in connection with the search of the office?

12 A In connection with that I saw that they had -- I  
13 knew Mr. Margolis had a fairly high position. I mean, I've  
14 seen him around town, been here a long time, been an  
15 investigator, I think I worked on the assets forfeiture  
16 things before. Has nothing to do with the Foster  
17 investigation. And I saw him, and I said well, okay.

18 Q Who assigned the Department of Justice to take  
19 over the investigation in this case?

20 A Who assigned them?

21 Q Who told them to do it?

22 A Mr. Nussbaum.

1 Q And --

2 A He said it should be coordinated. Now, when he  
3 said "coordinated," I didn't think that meant take over. I  
4 thought it meant coordinated.

5 Q But you later felt that it ended up --

6 A I later felt they were calling, at least in the  
7 initial stages, that they were calling a lot of the shots  
8 and arranging a lot of the protocol to do in this case.

9 Q Under what authority do you understand  
10 Mr. Nussbaum to have involved the Department of Justice?

11 A Probably his inherent authority as chief counsel  
12 for the White House.

13 Q Do you have any opinion as to what that authority  
14 is?

15 A Well, I don't know the legal authority. I'm not  
16 a lawyer, but I have a guess, just knowing a little bit  
17 about government. He has a lot of authority, that they do  
18 a lot. Chief counsel gets involved in a lot of things for  
19 just what I read in the paper and what I know about after  
20 27 years, chief counsel of the White House is a very  
21 powerful position. Probably responsible for the Attorney  
22 General getting her job or anybody else, as far as that

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1 goes, getting a cabinet level job.

2 Q Did you and Chief Langston ever talk about  
3 Nussbaum's authority?

4 A No.

5 Q Did you ever talk to anyone in the Department of  
6 the Interior, any lawyers in the Department of the  
7 Interior, about that authority?

8 A No.

9 Q Did you ever talk to anyone in the Department of  
10 the Interior in terms of legal staff about the  
11 jurisdictional issues in this case at all?

12 A No.

13 Q Are you aware of whether Captain Hume and  
14 Detective Markland ever had complaints about the Department  
15 of Justice involvement in this case?

16 A I don't know if they had complaints about the  
17 Department of Justice or not. The other part, what they  
18 had complaints about, were the White House investigations  
19 that I don't want to get into.

20 Q So you were not aware of any problems that  
21 your -- the Park Police detective personnel had with  
22 Department of Justice in this case?

1 A I'm not aware of any.

2 Q Who were the FBI contacts that the Park Police  
3 were dealing with in this case in the course of your  
4 investigation?

5 A I don't recall their names.

6 Q You wouldn't have been dealing with them at your  
7 level?

8 A No, I wouldn't.

9 Q But people might -- people involved in the  
10 investigation might be dealing with them?

11 A Yes.

12 Q How long was the presentation at the White House?

13 A I would say about 30 minutes, 25, 30 minutes.

14 Q Did there ever come a time when you and Chief  
15 Langston were with a smaller group of people, broke off  
16 with a smaller group, or that the group of people left the  
17 room?

18 A No, only when we were exiting the building, we  
19 said some hellos to Secret Service people there, uniformed  
20 division. There might have been a small conversation that  
21 he had with somebody after. But there was no other  
22 breakoff that I noticed.

1 Q Did you view the Foster office during that visit?

2 A I did not.

3 Q Did you observe that the office had been secured?

4 A No, I did not.

5 Q Did anyone tell you whether it had been secured  
6 at that point?

7 A No, they didn't. Mr. Nussbaum did tell me that  
8 he would have it posted.

9 Q What did you think he meant by that?

10 A Security put on it.

11 Q Would you have expected Park Police personnel to  
12 have secured the office?

13 A No, I wouldn't.

14 Q Why not?

15 A Well, it's normally the jurisdiction, the  
16 bailiwick of the Secret Service uniformed division. I  
17 would suspect that they would do that at our request. I  
18 didn't feel like we needed to come in and step on their  
19 toes. They're the primary police protection there. So it  
20 would have been the Secret Service's job to secure that  
21 office.

22 Q Would you have expected to be involved in

1 developing the protocols for the security of the office?

2 A Well, to be real truthful, when he told me he was  
3 going to post it, I already figured it was secured.

4 Q So it surprised you that it had been secured  
5 before that morning?

6 A Yes.

7 Q Were you concerned about the level of security at  
8 that office?

9 A No, I figured the Secret Service takes care of  
10 security matters, it would be adequate and it would not be  
11 something that I should be worried about.

12 Q On that morning, were you aware that Investigator  
13 Braun had previously requested that the office be secured?

14 A I was not aware specifically. I knew that it  
15 would be normal procedure for us to ask.

16 Q So you weren't surprised when you later learned  
17 that she had made that request of Mr. Watkins?

18 A No, I wasn't.

19 Q You mentioned something about scheduling the  
20 autopsy. When did you first have any discussions about the  
21 timing or the scheduling of the autopsy?

22 A Well, at some time after that, you know, I said I

---

1 would arrange for the autopsy, to try to get it scheduled  
2 that day if we could.

3 Q You said that at the White House?

4 A At the White House meeting, yes.

5 Q Why did it come up?

6 A I think they were talking about funeral  
7 arrangements. I don't recall who said what about it, or  
8 what exactly was said. And I said we would have an  
9 autopsy. They asked when. And I said, well, I don't  
10 know. I'd try to find out. It was later I found out that  
11 it was scheduled for sometime later and I asked the  
12 investigators to talk to the doctor to see if they would do  
13 the autopsy faster.

14 Q But did anyone at the White House specifically  
15 ask you to move the autopsy up?

16 A They did not. They did not.

17 Q Did anybody at the White House briefing seem  
18 surprised that an autopsy was going to happen?

19 A I didn't notice. If they had been -- I didn't  
20 notice any surprise.

21 Q Was anything said at the meeting at the White  
22 House that affected how the investigation went forward?

1 A No.

2 Q Did anyone make any suggestions as to how the  
3 investigation should go?

4 A No. The only suggestion that I recall is that  
5 Mr. Stephanopoulos only said one thing, that he recommended  
6 that it be investigated as it would routinely and normally  
7 be investigated.

8 Q What did you understand that to mean?

9 A I understand routine and normal.

10 Q Is it routine and normal for Park Police chief to  
11 be briefing White House personnel the day after the  
12 incident?

13 A Well, that would be if something -- I think in  
14 this circumstance that would be something that would be  
15 expected for the chief to do.

16 Q When Mr. Stephanopoulos made that comment, did  
17 you think it would be possible for this case to be treated  
18 as an ordinary or usual investigation?

19 A No, I did not.

20 Q Did you tell him that?

21 A I think I did make some comment, you know. It's  
22 kind of hard for the death of a high member of this level

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1 to be investigated routinely.

2 Q But do you think that a death of a high level  
3 government employee should be investigated routinely?

4 A Should be investigated routinely, yes. But it  
5 has more media attention, that makes it unroutine.

6 Q Is that the only consideration, is that the only  
7 reason why an investigation of a high level government  
8 employee is different than Joe Schmo?

9 A Probably so, as far as I'm concerned. We will go  
10 through the same steps to prove that he committed suicide,  
11 there was no foul play, he had certain reasons, he was  
12 depressed, he was discouraged, whatever. We'd go through  
13 that with everybody. We would not have gone to some of the  
14 extent that was later gone into, strictly pure economics.

15 Q Do you think all the routine steps were taken in  
16 this case?

17 A Yes, they were.

18 Q You said a matter of economics. What did you  
19 mean by that?

20 A Well, just for instance, Mr. Fiske did the DNA.  
21 We would probably never have to do a DNA. Things cost a  
22 lot of money to do that. So once we prove that it's a



1 suicide, to our satisfaction, we can make that conclusions,  
2 that's where we stop. Or once we have indication that it's  
3 foul play or, you know, it looks like it could be, then we  
4 would delay it and go ahead and look at what avenues could  
5 be foul play.

6 Q Apart from a DNA testing, what kind of  
7 specialized laboratory analysis, if you will, would you  
8 expect to occur in a case like this?

9 A Normally we would look at the firearm, everything  
10 done to the firearm would be done. We would search for a  
11 bullet, which we did, with the resources we had. We used  
12 medical detectives. We would do blood samples, blood types  
13 and all that stuff, to get types, not DNA. We would look  
14 for gunpowder burns, blood stains, scatter patterns, things  
15 like this.

16 Q Would the clothing be sent off to be analyzed?

17 A Sometimes it would not.

18 Q In your experience, what is the sequence of tests  
19 that are done on a gun found at a violent death scene?  
20 What kind of tests are done to the gun and in what order?

21 A First tests are done to see if the gun works.  
22 Then they look at the gun, look at the pictures of the gun,

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1 and will test fire it and see what kind of a pattern it  
2 will make. If they are conducive, we'll see the pictures.  
3 That's the primary test.

4 Q What about tests for fingerprints?

5 A Yes, for fingerprints.

6 Q What about for other kinds of, I don't know,  
7 debris, tissue, blow back?

8 A If you see that -- I mean, in this case you might  
9 get blood on the gun, you would test that, see if it's the  
10 same blood type. Blood type test is a lot easier than DNA  
11 and can be done fairly routinely in a lab.

12 Q Would you do it on-site or sent it out?

13 A Oh, sent out.

14 Q Would you always be able to visually see whether  
15 there was blood or other material on the gun?

16 A Not always. Sometimes. Sometimes you can.

17 Q Is there any expected sequence as between doing  
18 tests for fingerprinting and other kind of tests on the  
19 guns? Would you do one before the other?

20 A Well, normally you'd normally do the fingerprint  
21 test first because when they start test firing it, it has  
22 to be shot, even though now generally lab people use rubber

1 gloves and all that stuff.

2 Q You stated earlier that this case was somewhat  
3 unusual because it involved high-level people. Are there  
4 any specific guidelines or protocols for dealing with  
5 high-level people?

6 A No, no.

7 Q Are there any unwritten or --

8 A No.

9 Q -- unassumed -- assumed guidelines?

10 A No.

11 Q And do you think any special procedures were  
12 followed in this case?

13 A No, other than going and briefing them and having  
14 to go to the White House to interview people, I think  
15 that's -- I don't think that's unheard of or wrong or out  
16 of place.

17 Q Do you think that the Park Police were fully able  
18 to pursue their investigation in this case?

19 A That gets into areas that we have discussed  
20 earlier that I don't want to talk about, involving the  
21 White House.

22 Q Other than --

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1 A Outside of that, yes, we were able to.

2 Q But you're not answering one way or the other  
3 concerning the Park Police investigation regarding the  
4 White House part?

5 A True, yes.

6 Q You may have opinions about that?

7 A I may have.

8 Q But you think that's beyond the scope of this  
9 deposition?

10 A That's beyond the scope of this questioning.

11 Q Have you been contacted by the FBI or Mr. Fiske  
12 in this case?

13 A Oh, the FBI that investigated it, yes.

14 Q When was that?

15 A Oh, early on.

16 Q So January, February?

17 A Yes. Mostly courtesy call and other questions  
18 they have had to ask, they have asked me certain questions,  
19 yes.

20 Q Have they contacted you in the context of  
21 Mr. Fiske's investigation of the Foster office  
22 investigation?

1 A No.

2 Q Do you expect that you'll be contacted in that  
3 regard?

4 A Probably.

5 Q Are you familiar with something called pager 100,  
6 pager 100?

7 A Pager 100 is a type of pager, various pager  
8 systems out for a numeric pager system. Pager 100 is just  
9 a system-type pager where you get a 100 page means they can  
10 send a page out and various people will get it  
11 simultaneously.

12 Q And does that mean that when you received your  
13 notice of this case, a number of other people received a  
14 notice simultaneously?

15 A Sure. But I was called. I received a telephone  
16 call.

17 Q So you didn't receive notice via page?

18 A No. I don't recall a 100 page. I recall  
19 receiving a telephone call.

20 Q Do you know who else Lieutenant Gavin called  
21 directly as opposed to notifying them by page?

22 A No, I don't. Did they say there was a 100 page?

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1 Has anybody said that?

2 Q Well, if they had said that, what would that have  
3 meant to you?

4 A Well, it would have meant if they didn't do it,  
5 somebody did not do what they were told to do. But let me  
6 clarify. If there was not a 100 page sent out on this  
7 particular incident, I could very well understand it.

8 Q Why would that be?

9 A Well, you send something through the air, on a  
10 pager, you know, there's a multitude of people that can  
11 listen to it. Any time you send something over the air,  
12 pick up a phone call, you know, there's no security. So if  
13 somebody wanted to not page somebody because of various  
14 reasons, that's why we wouldn't do it on a 100 page.

15 Q So a 100 page is not something that's unique to  
16 the Park Police?

17 A No.

18 Q This is simply a commercial paging?

19 A Just a commercial paging device, goes over the  
20 airwaves and can be copied by numerous people.

21 Q But if someone from the Park Police were to have  
22 sent out a 100 page, what Park Police personnel would then

1 receive that page?

2 A It would be a whole host of people. The chief  
3 would receive one, commander of operations would receive  
4 one.

5 Q Who is that?

6 A Commander -- Deputy Chief Jack Champ. Most of  
7 the deputy chiefs received one. Most of the majors on the  
8 job would receive one.

9 Q So the very senior officers?

10 A The senior staff would have all received them.

11 Q In your experience, is it unusual for a death  
12 investigation to be closed before all laboratory analysis  
13 are completed?

14 A Sometimes we've closed them before that because  
15 we know -- we have a good sense of what it's going to be,  
16 it's going to confirm it. But it is better to have them  
17 all done, that's true. But at times I have closed cases  
18 while I was waiting on some lab reports. Some lab reports  
19 take a lot of time. When I already had other information  
20 that would confirm my conclusion, that just validated what  
21 was going to come down the pike.

22 Q What if the lab report came back with something

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1 that raised issues? What would you do in that case?

2 A I'd reopen the case.

3 Q Have you been involved in cases where a case has  
4 been reopened after it was closed?

5 A No.

6 Q In your entire career that's never happened?

7 A No.

8 Q You mentioned Special Agent Bryant. I think he  
9 attended the press conference --

10 A Sure.

11 Q -- is that right?

12 A Yes.

13 Q Did he have any other involvement, do you know,  
14 in this case?

15 A Well, the agents that were involved in the case  
16 earlier all worked for him, and his only involvement that I  
17 know of was receiving information from his agents.

18 Q Do you recall the names of the agents who were  
19 involved -- the FBI agents involved in this case?

20 A I don't. I think one name was Salter. I'm not  
21 sure of the others.

22 Q Who would they have been interacting with?

1 A Markland and Hume primarily.

2 Q Did you have a chance to read Markland's  
3 recommended -- his recommendation that the investigation be  
4 closed?

5 A Yes, I did.

6 Q Did you have any suggestions or proposed changes  
7 to that?

8 A No, I didn't.

9 Q In your experience, has the chief, Chief  
10 Langston, ever contacted Mr. Collier or anyone in the  
11 Secretary of the Interior's office in an ongoing case  
12 before?

13 A No, unless it was one that they have asked us to  
14 do for Interior or something like this, but no.

15 Q And it was Chief Langston who initiated contacts  
16 with Mr. Collier in this case?

17 A Yes, it was.

18 Q Are you aware of any requests by any person to  
19 speed up the Park Police investigation in this case?

20 A No, I'm not. There were pressures, some from the  
21 media, though, when are you going to come to the  
22 conclusion, because generally we conclude suicides

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1 relatively fast.

2 Q Were you aware of any complaints from Captain  
3 Hume or Detective Markland concerning White House -- strike  
4 that.

5 Did you ever become aware of any complaints that  
6 Captain Hume or Detective Markland might have had about  
7 White House involvement in their investigation, other than  
8 the search of the Foster office?

9 A I feel that's outside the scope of this inquiry.

10 Q I'm talking about anything outside the scope of  
11 the search of Foster's office now. Did Markland and Hume  
12 ever complain to you, for example, about their ability to  
13 interview people in the White House concerning Foster's  
14 state of mind?

15 A I think they interviewed everybody in the White  
16 House they needed to.

17 Q My question is, did they ever complain to you  
18 about having difficulty scheduling interviews or in  
19 pursuing those.

20 A Not difficulties in pursuing them, but I think  
21 the White House staff had attorneys present during the  
22 interviewing of the workers there.

1 Q And do you know if Hume --

2 A They just told me about it. I didn't take it as  
3 a complaint. They just said that there was some White  
4 House -- members of the White House counsel present when  
5 they interviewed certain members.

6 Q And did it seem unusual to you that White House  
7 counsel personnel would be present at all those interviews?

8 A Well, it's unusual when we interview witnesses to  
9 have -- in this setting, you know, where it's not -- we  
10 didn't call them down to the police station or anything.  
11 It's unusual when we go to somebody's place of business or  
12 work to have an attorney present, yes.

13 Q Do you think the presence of Mr. Nussbaum might  
14 influence or affect the responses of a secretary at the  
15 White House, for example?

16 A I have no opinion. It's possible it could but I  
17 don't know that for a fact.

18 Q Do you recall if Detective Markland or Captain  
19 Hume ever suggested that the presence of White House  
20 counsel might have affected the interviewees?

21 A They just told me that they were present.

22 Q Why did you ask -- why did you request that the

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1 autopsy be moved up a day?

2 A Because of concerns for the family, primary  
3 reason. I mean, nobody actually said that. I said, you  
4 know, we could talk to them, it might have been scheduled  
5 for the next day. I said we could talk to them and have it  
6 moved up.

7 Q Did Mr. Hamilton ever contact you in that regard?

8 A No, not that I recall.

9 Q Was it related to the family's desire to make  
10 funeral arrangements?

11 A Yes.

12 Q So were you trying to coordinate with certain  
13 travel?

14 A Yes.

15 Q But this was something that you initiated?

16 A I initiated it, yes.

17 Q And no one suggested this to you?

18 A Yes. And I've done that before.

19 Q Who told you what the families expected,  
20 timingwise, for the funeral?

21 A I don't recall.

22 Q Do you recall if you learned that at the White

1 House briefing?

2 A I don't think I learned it there.

3 Q But there came a time when you learned what their  
4 plans were in terms of --

5 A I never learned exactly what their plans were.

6 Q Well, in your experience, do you just generally  
7 try and move autopsies up as soon as possible to  
8 accommodate the family?

9 A Everybody wants to have theirs done as soon as  
10 they can.

11 Q Is that true?

12 A In any investigation, sure.

13 Q And do you generally try to accommodate the  
14 family in that regard?

15 A We do, especially -- they did say they wanted the  
16 funeral to be in Arkansas, and there's travel. And I don't  
17 recall who said that or when it was said.

18 Q You mentioned "they." Who are you referring to?

19 A I don't know who said it. I don't know if it was  
20 Mr. Watkins. I don't think it was Mr. Hamilton because I  
21 don't recall him saying anything in that meeting.

22 Q How often does a captain work with a detective on

1 a suicide investigation?

2 A Very infrequently. Then again, we don't often  
3 investigate a suicide of deputy chief counsel at the White  
4 House.

5 Q So the staffing on this case was dictated by the  
6 nature of the person involved?

7 A That's true. That's true.

8 Q You mentioned earlier that a palm print was found  
9 on the Foster note?

10 A Yes.

11 Q Do you know if that palm print was ever  
12 identified?

13 A No, it wasn't.

14 Q What process would the Park Police go through to  
15 try to identify that?

16 A I think that was done -- well, the process could  
17 have been taking the palm print, what's called a major  
18 print, a major print of a major crime, when involves a palm  
19 print. That was not done on a suicide. Normally it's not  
20 done on a suicide.

21 Q When you say a "major print of" --

22 A Palms, all the fingers.

1 Q That would be of the deceased?

2 A Of the victim or deceased. And maybe any other  
3 person that we feel we need to take prints of, any suspects  
4 developed and things like this, you do major crime prints  
5 on.

6 Q And in a suicide investigation --

7 A It's normally not done.

8 Q So essentially, there was no effort made to try  
9 to identify that palm print?

10 A That's true.

11 Q Do you know if the note was tested for -- it was  
12 tested for fingerprints?

13 A Yes, a print, unidentifiable. There was no other  
14 prints that they could discern.

15 Q Was it tested by the Park Police for fingerprints  
16 or did some other agency?

17 A The FBI tested that.

18 Q Did that occur before the Park Police came into  
19 possession of the note?

20 A No, after we came --

21 Q So you're referring to a test by the FBI in the  
22 context of the Fiske Report, after Mr. Fiske became

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1 involved?

2 A No, in our report, our report, they tested --  
3 our -- I don't know if this is the FBI or not. They tested  
4 the note for fingerprints.

5 Q When you say "they," who do you mean?

6 A The FBI, FBI lab.

7 Q That was within the time frame of the Park Police  
8 investigation?

9 A Within the time frame of the Park Police  
10 investigation.

11 Q Why did the FBI do the testing?

12 A Because we gave it to them to test.

13 Q And do you recall what the time frame was?

14 A I do not.

15 Q And do you know who would have handled that for  
16 the Park Police?

17 A Probably an ID tech would handle -- would  
18 handdeliver it to the FBI lab.

19 Q Are you aware of what the chain of custody was,  
20 if you will, of the note before it came into the possession  
21 of the Park Police?

22 A No, I'm not.



Q Do you know how the Park Police got the note?

A Yes.

Q How was that?

A On the night of -- I would have to refer, I forget the date, July 26, 27, Captain Hume was notified that they had this note at the White House and he sent a Detective Megby, Detective Megby, over to the White House to receive the note.

Q And it was after that point that the test for prints was done?

A Sure.

Q You motioned to some papers in front of you.

A This is just copies of our report. I could look in there and see the exact date Detective Megby went up there.

Q Is that a copy of the full police report?

A No, this has been redacted for seven-day material that I could refer to if I had to.

Q Did you refer to that? Did you review that this morning before coming to this deposition?

A No, I didn't.

Q Is that material that's been provided to

Mr. Fiske?

A Oh, yes, yes. This material has been released already.

Q That's been released to the public?

A Yes.

Q Did you talk to anyone before coming here this morning about this deposition?

A I talked to the chief, told him I was coming here to give a deposition.

Q Did you talk to counsel?

A No.

Q Did you talk about the case in any specifics with the chief?

A No.

Q Did you mention anything about the White House or any other government agency with the chief in talking to him?

A No.

Q Would you expect that government officials present at the notification would be cooperative with Park Police personnel?

A Yes, I would expect that.

1 MR. DARMER: No further questions.

2 EXAMINATION

3 BY MR. IVEY:

4 Q Let me ask you some questions about the questions  
5 that you just answered. Mr. Darmer asked you questions  
6 about checking records at the Foster home, or checking to  
7 see if they had records at the Foster home, and also  
8 checking about health problems and domestic, possible  
9 domestic problems. Are you aware of any domestic problems  
10 that the Foster family have?

11 A None whatsoever.

12 Q Do you check for domestic problems in every  
13 suicide case?

14 A If we have to. Sometimes we'll just ask a  
15 question, or sometimes we won't.

16 Q Under what circumstances would you not ask about  
17 domestic situations?

18 A Probably when we just didn't feel like it was  
19 necessary.

20 Q And why is that?

21 A Just the investigator, it's what they feel like.

22 After you talk to them, you get a sense of how things are

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1 when you talk to the family.

2 Q Would you say that those can be sensitive  
3 questions in some cases?

4 A They would be very sensitive.

5 Q And particularly for, say, a wife, for example,  
6 whose husband had just committed suicide, would there be  
7 some concerns on your part about how appropriate it might  
8 be to ask about affairs or sexual orientation or things  
9 like that?

10 A Certainly would.

11 Q What about health problems, did you have any  
12 reasons to think that Mr. Foster had any health problems?

13 A None whatsoever.

14 Q Did you have a chance to look at the autopsy  
15 report?

16 A Yes, we did.

17 Q Did you see any indications by the medical  
18 examiner that Mr. Foster was suffering from any health  
19 problems?

20 A No.

21 Q In your view, based on that finding, do you think  
22 his health, at least his physical health, had any bearing

on his decision to commit suicide?

A The only thing we know about his physical health is he had been losing weight. Other than that, according to everything we've gathered, he was in good physical health.

Q Did you have any indication that he was suffering from some sort of terminal disease?

A None whatsoever.

Q And from reviewing the domestic situation and in interviewing family members and friends, did you have any indication that that was relevant to him committing suicide at all?

A No. Our indications primarily indicated that it was all work related, all problems he was having were work related.

Q What about his work was troubling him?

A He was under stress and he was shouldering a lot of responsibilities, and that he apparently didn't have a normal outlet for his stress. And the only other thing in his family life that could be different that we've noticed affects people is that he had been used to having his family with him in Arkansas, and he had been separated from

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his family for several months, and that could have contributed for depression that's ongoing. And they had only been back here a short time, in June they moved up here. So that could contribute for ongoing, earlier depression. Change of life-style, and that sometimes can contribute to depression.

Q So given what you've learned from your -- from the autopsy report and from your interviews with friends and family members, do you think it would have been appropriate to have asked Mrs. Foster those types of questions?

A No, it wouldn't have.

Q Mr. Darmer also asked you about questioning the children of Mr. Foster. Do you question the children in all suicide cases?

A No, not all. Sometimes we do, sometimes we don't.

Q Why would you not question the children?

A Well, because they may have a different -- it may affect children differently, and I can't say why we wouldn't or why. Every case is different. Sometimes they might know something about the father, sometimes they

1 won't. Sometimes they may or may not be available.

2 Q Now, if there had been information that the  
3 children might have had, you'd gotten some indication that  
4 the children had information that might have been relevant,  
5 do you think you would have questioned them?

6 A Sure.

7 Q Are you aware of any indication or any  
8 circumstance or fact that indicated that the children  
9 needed to be questioned about Vince Foster's suicide in  
10 this case?

11 A Not at this time, no.

12 Q Was there ever a point when you had that type of  
13 information?

14 A No. I never had that type of information.

15 Q Mr. Darmer asked you about lawyers being present  
16 I guess at two different points, at one point when the  
17 family was interviewed and at another point when coworkers  
18 were interviewed. Let me talk about the family first. I  
19 take it from your experience, it's not typical for people  
20 to have a family lawyer there?

21 A It's not typical, although I have had attorneys  
22 present in other cases. One I remember distinctly the guy

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1 was killed in a car wreck, but the attorney was there  
2 strictly for estate planning, you know, stuff like that.  
3 Didn't even say anything.

4 Q For police, I guess there's basically two  
5 different ways to question people. One is when they're  
6 submitting to the questioning voluntarily. Is that fair to  
7 say?

8 A Uh-huh, yes.

9 Q And another time it would be when they're not,  
10 like if they're under arrest or that type, they're being  
11 held?

12 A Yes, yes.

13 Q I take it the Foster family was not under arrest  
14 and not being held for any suspicion of any criminal  
15 activity in this case.

16 A That's true.

17 Q So they consented; it was voluntary for them to  
18 answer questions that you guys posed?

19 A That's true.

20 Q And in a situation of voluntary meeting like  
21 that, they also had the right to bring a lawyer with them;  
22 isn't that true?

1 A That's true, uh-huh.

2 Q Did the lawyer -- let me ask it this way: Are  
3 you aware of the lawyer encouraging Mrs. Foster to mislead  
4 the Park Police investigators in any way?

5 A No.

6 Q Now, you also mentioned, I guess, in saying that  
7 it's not typical for this to happen. Are most of the  
8 families that you interview either for death notification  
9 or just regular investigative purposes in the type of  
10 situation that the Foster family would have been?

11 A No, they're not.

12 Q What differences would the Foster family have  
13 been looking at as opposed to your regular family in this  
14 type of situation?

15 A I do not know.

16 Q Would it be fair to say that there was a lot more  
17 media scrutiny going on with the Foster family at this  
18 point?

19 A Most definitely.

20 Q And is it also fair to say that Mr. Foster was  
21 connected to national and political activities that most of  
22 your average suicide victims are not connected to?

1 A That's true.

2 Q So is it unreasonable, do you think, that they  
3 may have had some concerns about dealing with the media and  
4 also dealing with the fact that he was such a high-profile  
5 figure?

6 A We didn't find it unusual about that, no.

7 Q And you said -- he said -- there were some  
8 groundrules conversations that might have been set at the  
9 beginning. Are you aware of anything other than  
10 discussions about maintaining privileges and rights?

11 A That's all that I'm aware of, is that the defense  
12 counsel did not waive his attorney-client privilege.

13 Q And I assume that the Park Police were not trying  
14 to pressure anyone into waiving rights or privileges in  
15 this questioning?

16 A No, we're not.

17 Q Because this is a family that had just suffered a  
18 loss?

19 A Yes.

20 Q And you were trying to be sensitive to that loss?

21 A Yes.

22 Q Mr. Darmer asked you about notes that are kept.

1 You said you didn't keep any notes in this case?

2 A I didn't keep any notes.

3 Q Are you familiar with the Jencks Act?

4 A Yes, I am.

5 Q So in some criminal cases, for example, notes are  
6 made part of a file?

7 A You're right.

8 Q Under the requirement of the Jencks Act?

9 A That's true.

10 Q In those types of cases, would it be unusual for  
11 the notes to be in the file?

12 A Well, even though that could be Jencks Act  
13 material, if it's called for, normally investigators keep  
14 their notes in their notebooks.

15 Q Do they make copies, for, like, say assistant  
16 U.S. attorneys?

17 A They will ask they're asked for. That's normally  
18 what happens, yes.

19 Q Let me ask you about the death scene  
20 investigation. Actually, I'm sorry, I didn't finish up  
21 with the lawyer line of questioning.

22 You mentioned that there were lawyers present at

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1 some points during the interviews, and apparently when you  
2 went to brief the White House; is that correct?

3 A As far as I know, everybody up there is a lawyer.  
4 (Laughter.)

5 Q People from --

6 A I assume that they're all lawyers.

7 Q People from the White House counsel's office?

8 A Yes.

9 Q Now, again, I take it you never had people from  
10 the White House counsel's office present at any other  
11 investigations that you're aware of?

12 A No, I haven't.

13 Q Because this is the first time that you're aware  
14 of that the Park Police have dealt with a death or major  
15 crime involving a White House --

16 A Death involving a White House employee of this  
17 stature, yes.

18 Q Do you know why the White House counsel people  
19 were there?

20 A No, I don't.

21 Q Do you know what types of issues Mr. Foster was  
22 working on at the time he died?

1 A No, I do not.

2 Q Do you know if he was involved with anything  
3 involving national security or sensitive material?

4 A No, I do not.

5 Q Now let's go to the death scene. Mr. Darmer  
6 asked you about relationship photos. What's the purpose of  
7 taking relationship photos?

8 A Just to establish relationship with the body and  
9 terrain and get an overall view of the crime scene and  
10 narrow it down.

11 Q That's particularly important in a criminal case?

12 A Yes, it is.

13 Q In suicide case, is it as important?

14 A Well, it's not as important, but it's something  
15 that if I had my preference, I would have had done.

16 Q And a sketch is the same type of thing?

17 A Yes.

18 Q Because you can use that for prosecuting  
19 attorneys and juries, I take it?

20 A Sure.

21 Q But if you have a suicide, you don't have a  
22 prosecuting attorney and a jury; right?

1 A It's happened before in suicide where those  
2 things were not done.

3 Q Are you aware of press reports that have said  
4 that the body was moved, in some instances, by the Park  
5 Police and the Park Police created fake crime scenes. Are  
6 you aware of that?

7 A I'm aware of press reports saying that the body  
8 was moved.

9 Q To the best of your knowledge, was the body moved  
10 by anybody?

11 A The body was not moved by anybody to the best of  
12 my knowledge. I think that the scene would show that there  
13 would have been more disturbance on the scene had the body  
14 been moved. The blood would have been different. So I  
15 just don't think that the body was moved from one location  
16 to the other after he was dead.

17 Q Let me ask you specifically about Park Police  
18 personnel. What would motivate a Park Police officer or  
19 any officer, for that matter, to move a dead body in a  
20 suspected suicide and fabricate a crime scene or death  
21 scene. Can you think of any reason that an officer would  
22 do that?

1 A I can't conceivably think of any reason.

2 Q What would be the consequence of an officer or  
3 officers who were caught doing something like that?

4 A If we caught an officer doing that?

5 Q Yes, sir.

6 A Well, he would probably be prosecuted and fired  
7 both.

8 Q Do you think your officers are aware that  
9 obstructing justice, destroying evidence, fabricating  
10 evidence, could lead to that type of result?

11 A I think they're aware of that, yes.

12 Q Do you have any reason to believe that Braun and  
13 Rolla -- or Ferstl or Fornshil or any of the other Park  
14 Police officers on the scene would do something like that?

15 A I have no reason to believe that at all.

16 Q Do you believe these are good law enforcement  
17 officers?

18 A Yes, I do.

19 Q Do you think they're honest and committed to  
20 their work?

21 A Yes, I do.

22 Q Did you hear or read anything that would indicate

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1 that the body had ever been moved, other than, you know,  
2 the people that carried it off to Fairfax Hospital? Do you  
3 have any indication that that happened?

4 A None, nobody, none in our official report or our  
5 verbal reports. The only time that's ever been suggested  
6 is in the media.

7 Q Let me ask you about the Webster Hubbell pushing  
8 incident.

9 A I knew nothing about that until just a few  
10 minutes ago.

11 Q It's a hypothetical at this point for you, but  
12 just hypothetically, let's assume that the incident  
13 happened. Do you think that that changed the result of  
14 your death investigation in this case?

15 A Hypothetically, no.

16 Q Can you imagine why someone might react that way  
17 after finding out that a long-time, close family friend had  
18 been found dead and then trying to comfort the family  
19 members of that person?

20 A Yes, I can imagine that. As we go through  
21 certain processes of grieving, one of them is denial. The  
22 next one is anger, and sometimes you can go through these



1 real fast. And I have encountered hostility in making next  
2 of kin notification from a father one time.

3 Q Why do they direct the anger at you, at the  
4 police officer?

5 A Just a symbol of I'm there telling him. That's  
6 the reason. However, I would not be happy to know that  
7 someone of that caliber pushed one of our investigators.  
8 But I can explain it in that was probably just anger and  
9 maybe that was interfering with him getting to providing  
10 whatever comfort he needed or wanted to give to another  
11 family member.

12 Q And would you view that as an attempt to obstruct  
13 the investigation of the death of Vincent Foster?

14 A Not necessarily.

15 Q Do you have any reason to think that it was?

16 A No, I wouldn't.

17 Q Would you think that anything that took place at  
18 the death scene was an attempt to obstruct the  
19 investigation of Vince Foster?

20 A No, it was not.

21 Q I mean the arrival of Bill Clinton at the house  
22 was certainly disruptive, I guess the officers told you?

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1 A That would have been disruptive to our protocol  
2 of next of kin notification, but I think that everybody  
3 would understand the relationship they had, or at least if  
4 they didn't, now, in hindsight would understand that.

5 Q Again, childhood friends from Arkansas?

6 A Sure, sure.

7 Q Is it unusual for long-time friends to show up  
8 after they have heard?

9 A No, it's not. As a matter of fact, it's one of  
10 our protocols to find out neighbors and friends and we  
11 make -- when we make next of kin notification.

12 Q Are you aware of anything you learned from the  
13 officers about Mr. Clinton or anyone in the entourage for  
14 that matter saying we don't want to talk to you now. Why  
15 don't you leave us alone?

16 A I'm not aware of that.

17 Q Mr. Darmer asked you if Ferstl or Fornshil had  
18 experience in major crimes. What are their jobs --

19 A I answered that in the context of being a major  
20 crime investigator. They are uniformed patrol officers. I  
21 don't specifically know what major crimes they have  
22 responded to. They have definitely responded to, working

1 on the George Washington Parkway, they have to respond to a  
2 lot of trauma incidents, accidents and such like that,  
3 unless they're extremely lucky.

4 Q Do they have any type of training in what they're  
5 supposed to do when they come across a crime scene?

6 A Oh, yes.

7 Q To the best of your knowledge, did they do  
8 anything incorrectly in the way that they dealt with this  
9 particular situation?

10 A To my knowledge, I didn't see anything done  
11 incorrectly.

12 Q In fact, they notified their superiors?

13 A Notified their superiors, notified the criminal  
14 investigation branch, as they're supposed to, secured the  
15 crime scene, started the process of securing the crime  
16 scene.

17 Q Mr. Darmer asked you some questions about  
18 Mr. Nussbaum's authority to have the Department of Justice  
19 coordinate the investigation. Are you familiar with the  
20 role of the White House counsel and what -- where his  
21 authority stems from and that sort of thing?

22 A I'm not specifically familiar with his legal

---

1 authority. I know in the past, of just being around, that  
2 the White House counsel has a lot of authority.

3 Q Do you know if Mr. Nussbaum contacted the  
4 Department of Justice?

5 A I don't know who contacted them.

6 Q Would there have been any reason for you to raise  
7 Mr. Nussbaum's authority with the Department of Interior or  
8 the chief?

9 A Repeat that.

10 Q Would there have been any reason for you to raise  
11 the issue of Mr. Nussbaum's authority with the Department  
12 of Interior or with Chief Langston?

13 A No. I think I did have some conversations once,  
14 though, about what -- because I want clear some of the  
15 roles, just knowing they had a lot of authority. I did  
16 talk with one of our solicitors just over coffee. Up until  
17 that time, I viewed the chief counsel as being like the  
18 actual solicitor, and he said no, it's a lot more than  
19 that. I wouldn't question his authority, though. I just  
20 wanted to know the roles because I didn't know.

21 Q There have been some questions, I guess, about  
22 tests that were or were not performed by the Park Police,

1 like the DNA tests. I just wanted to get a sense of why  
2 the FBI performs more of those types of tests in this type  
3 of case than the Park Police would. Why would that be the  
4 case?

5 A Well, I can't answer why. I can only give you an  
6 opinion why.

7 Q Okay.

8 A And it would be my opinion that if I was sitting  
9 in their shoes, if I was sitting in Mr. Fiske's shoes, I  
10 would think that I needed to review the Park Police case  
11 and go through and anything that could have or should have  
12 been done to prove or see what happened, I would just be  
13 extra thorough in doing it.

14 Q Well, in a regular suicide case with a gun, say,  
15 for example, where all the surrounding circumstances seem  
16 to indicate suicide, would you run a DNA test on a gun?

17 A Normal we wouldn't.

18 Q Why not?

19 A They're expensive. We would run blood type tests  
20 if there were blood on it. If we had any kind of  
21 indication coming up that there might be some foul play, we  
22 would.

1 Q Okay. When you say "expensive," I mean just so I  
2 have a sense, if you sent a gun to the FBI, does that mean  
3 there's money that comes out of your budget to pay for it?

4 A No, it's money that comes out of the taxpayer's  
5 budget, though.

6 Q Is that a concern of yours?

7 A Well, as a federal employee, if I'm not concerned  
8 about taxpayers' money, I shouldn't be here.

9 Q So is it fair to say, then, that you have the  
10 tests done that you think are relevant?

11 A If we needed to have a test done to prove our  
12 point, we would have had it done regardless of expense. We  
13 only want to work up to that point where it will prove the  
14 point that -- you know, what we have. It would prove a  
15 homicide or it wouldn't; if we needed it, we still had  
16 questions, we'd go ahead and do it. But normally it's just  
17 not done.

18 Q Are you aware of the results of the DNA tests?

19 A No, I'm not.

20 Q Are you aware of any tests the FBI did that did  
21 not simply confirm the findings of the Park Police?

22 A No, I'm not.

1 Q I guess I had a question about your general  
2 orders and what's written and what's not there. At the  
3 time of the death, did you have general orders or written  
4 procedures for dealing with the death scene investigation?

5 A We have a general order dealing with the crime  
6 scenes, disasters such as that, yes, which include numerous  
7 sites.

8 Q How detailed is it?

9 A It's fairly general, that's why we call it  
10 general orders.

11 (Laughter.)

12 They're fairly general, fairly general and give  
13 some broad guidelines to help -- if anything, refresh an  
14 officer's memory, because when they go to police school, in  
15 Georgia, they receive very detailed instructions. And if  
16 they keep their notebooks -- you just can't walk around  
17 with five or six notebooks with you all the time, so the  
18 general orders are basically covering some, covers some  
19 policies to follow, cover some basic procedures, and  
20 they're fairly generic.

21 Q We've been trying to get copies of those for a  
22 while. Any way we could get some?

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1 A Sure. When do you want them?

2 Q Today, which is why I was upstairs on the break.  
3 What about this new manual that's been put together about  
4 death scene investigations, are you familiar with that?

5 A That's an internal working manual for the  
6 criminal investigation branch, that we had started to put  
7 together years ago, and I think it's just now being  
8 finished up.

9 Q But that was not in force or circulated at the  
10 time of Mr. Foster's death?

11 A I'm not sure. I really don't know.

12 Q One more question about the lawyers. You said  
13 earlier that it's unusual to go to a place of business  
14 where they have lawyers present at the times you want to do  
15 interviews. Do you recall that?

16 A Uh-huh. You mean the interview with Lisa  
17 Foster?

18 Q Well, no, this would be at the White House, I  
19 guess.

20 A Oh.

21 Q Let me ask you, as far as just over your 27  
22 years, how many places of business would you say are

1 comparable to the White House, when you talk about places  
2 of business? I mean, have you done interviews or were you  
3 referring to interviews that involved a place that handles  
4 the magnitude and amount of issues that the White House  
5 deals with?

6 A None.

7 Q The sensitivity of the issues that the White  
8 House deals with?

9 A None.

10 Q Can you understand or would you think that  
11 there's a reason why maybe there might be lawyers present  
12 at the White House for some of the interviews where they  
13 might not be at, say, I don't know, a shooting at a  
14 7-Eleven or something?

15 A Sure, I can understand that. We were not  
16 intimidated by them being there. It's just something that  
17 we normally didn't run into. But then again, as I've said  
18 before, we normally don't investigate the suicide of the  
19 deputy chief counsel of the White House.

20 MR. IVEY: I don't have any other questions.

21 EXAMINATION

22 BY MR. DARMER:

1 Q I have a couple more questions. You weren't at  
2 the interview with Lisa Foster, were you?

3 A No, I was not.

4 Q Do you know what specific questions were asked at  
5 that interview?

6 A No, I do not.

7 Q Does the fact that a question may be sensitive  
8 mean that an investigator in a death investigation won't  
9 ask it?

10 A No, it does not. It means it might be a timing  
11 of when he'll ask it in a sensitive investigation, if he  
12 feels a sensitive question needs to be asked.

13 Q But if he feels it needs to be asked, he'll ask  
14 it?

15 A He'll ask it, right.

16 Q If Mrs. Foster had not consented to be  
17 interviewed, would the Park Police have sought to interview  
18 her anyway?

19 A We would have probably had to have gone through  
20 some other channels to interview her.

21 Q But does the Park Police interview people based  
22 on who will make themselves available to you?

1 A Sometimes. I mean if they're not available,  
2 they're not available. I mean if the kids have left town  
3 or if we felt we needed to talk to the kids, I only can  
4 give an opinion about why the kids were not interviewed.  
5 One, knowing that they sometimes react differently and we  
6 just didn't feel we needed to interview them, and after  
7 they talked to the mother, they might not have felt the  
8 need to interview the two kids.

9 Q But it would be -- is it fair to say that it  
10 would be the discretion of the investigators to determine  
11 who needed to be interviewed?

12 A It's discretionary on the investigator who he  
13 interviews.

14 Q Do you know if Captain Hume or Detective Markland  
15 felt in their judgment that the children needed to be  
16 interviewed in this case?

17 A I don't know if they felt that or not.

18 Q If Detective Markland and Captain Hume had  
19 determined in their judgment that they needed to interview  
20 the children in this case, would you be surprised if the  
21 children had not been made available?

22 A Oh, yes, I think the children should have been

1 made available if they needed to talk to them.

2 Q How did you know that Foster, Mr. Foster, was  
3 losing weight in the weeks before his death?

4 A I read about it in the report, there was a  
5 report.

6 Q In your experience, 27 years of experience, are  
7 X-rays usually taken at an autopsy?

8 A They normally are.

9 Q Do you know if X-rays were taken in this case?

10 A Apparently the X-ray machine was broken.

11 Q Do you know why the autopsy report indicated that  
12 X-rays were taken?

13 A I don't know. I noticed that myself.

14 Q Do you know if anywhere in the Park Police  
15 reports it indicates whether X-rays were taken at the  
16 autopsy; in other words, reports filed by Park Police  
17 personnel?

18 A Yes. Our reports, and I think the first ones  
19 indicated, that X-rays were taken. And I think the  
20 original autopsy report indicated that. But it was only in  
21 the Fiske Report where it was indicated that the X-ray  
22 machine was broken.

1 Now, I don't know what really happened during the  
2 autopsy. I don't know if they took X-rays and the machine  
3 was broken and it didn't work, or I really don't know if  
4 they just -- why they said that. But our investigator  
5 thought that X-rays had been taken.

6 Q In your experience as a criminal investigator,  
7 are personnel from the death scene usually present at the  
8 autopsy?

9 A Not always. Because we have -- I mean, it would  
10 be best if the investigator is there, but because of our  
11 manpower situation, shortage of people, sometimes we will  
12 just send somebody to the autopsy. We always like to have  
13 somebody at the autopsy.

14 Q Do you prefer to have somebody who was at the  
15 death scene at the autopsy?

16 A It's always better, but sometimes the autopsy may  
17 be done the next day and that person worked midnight the  
18 night before.

19 Q Why is it preferable to have the person at the  
20 autopsy?

21 A Because they can explain a lot of things to the  
22 medical examiner, what the scene looked like. That's why

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1 he needs pictures of the scene there. And he will be  
2 asking questions, what was it like on the scene, so he can  
3 come up with a conclusion.

4 Q Do you know if the Park Police personnel at the  
5 scene in Fort Marcy Park were treating the case as if it  
6 was a possible homicide case?

7 A Well, they treat all death cases as a possible  
8 homicide, even though sometimes it's overwhelming that it's  
9 an apparent suicide. I mean that's something you always  
10 have to keep in your mind.

11 Q So the fact that it seemed to be an apparent  
12 suicide wouldn't have changed the protocols followed by the  
13 personnel at the scene?

14 A It shouldn't, yet sometimes it does. Sometimes  
15 when you see so many of them, you've investigated a lot of  
16 cases, you know what goes on in the investigation, and you  
17 know what your work load factor is, sometimes you may just  
18 do things that you wouldn't normally do.

19 Q You were not present at the notification, were  
20 you?

21 A No.

22 Q Did you ever talk directly to Investigator Rolla

1 or Braun about the notification?

2 A I talked to Cheryl Braun about it a few days  
3 later.

4 Q Where did you have that conversation with her?

5 A It was on the telephone.

6 Q Would you expect that a high-level appointee at  
7 the Department of Justice would be more sensitive to the  
8 needs of law enforcement personnel in the course of an  
9 investigation?

10 A I would think that they should be, but at the  
11 same time, if they were that close of a friend and that  
12 emotionally distraught, that I could see where they didn't  
13 sometimes act with a cohesive thought pattern or maybe were  
14 ruled more by emotions than thinking.

15 Q Did Detective Markland or Captain Hume ever  
16 indicate to you that they preferred not to have White House  
17 counsel present during their interviews at the White House?

18 A They never did.

19 Q Did they ever indicate that they preferred not to  
20 have the family lawyer or friends present at the interview  
21 with Lisa Foster?

22 A No, they never did. They never specifically

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1 protested that to me.

2 Q Do you remember talking with them generally about  
3 the interviews?

4 A In general they did talk to me about it. Some of  
5 it was after the fact also.

6 Q You mentioned that you didn't keep notes in this  
7 case. Does that mean that you didn't -- exactly what did  
8 you mean by that? Did you make notes in the course of the  
9 case?

10 A When I'm -- mostly when I was preparing notes, it  
11 would be for dissemination to the news media and my notes  
12 would just be like writing down on a piece of paper or  
13 something. And I usually had the case jacket there, and I  
14 just would say what I'm going to say, take it from the  
15 jacket and report, what needed to be or could be reported  
16 at that time.

17 Q So what would have happened to the actual notes  
18 that you wrote on just a legal paper or note pad, would  
19 those have been discarded?

20 A They would have been discarded or shredded.

21 Q Do you ordinarily shred documents out of your  
22 office?



1 A Sure. If I kept every note that I had when I'm  
2 talking to reporters, writing notes from the report, I  
3 wouldn't have enough room in here to keep all the paper.

4 Q Is that just a procedure used in the chief's  
5 office?

6 A Yes.

7 Q Is that because you deal with --

8 A Volume, volume of incidents.

9 Q It has nothing to do with the specific substance  
10 of a particular case?

11 A No. Had I been investigating this case and the  
12 chief said I want you to head up this investigation, I  
13 would approach it completely different.

14 Q Would you expect that all relevant information in  
15 your notes would ultimately placed in the file, in the case  
16 jacket?

17 A You mean --

18 Q If you had had any relevant information, if you  
19 had obtained any relevant information that was reflected in  
20 your notes, would that have been placed --

21 A No, not necessarily. Any relevant information I  
22 had came from the case file.

1 Q If an investigating officer or any of the  
2 detectives in the case had taken notes in the course of  
3 their investigation, would you expect that that information  
4 would have then been somehow reflected in the case file?

5 A If it was substantial. When we investigate a  
6 case, we gather a lot of information; a lot of information  
7 that we may or may not be able to prove as factual.  
8 Generally what we type on the piece of paper from any FBI  
9 agent or anything, is what we can pretty much say it is  
10 fairly factual or else we identify it as not factual. If  
11 other information is just information, innuendo, no basis  
12 for it at all, it does not get into -- it does not get into  
13 the report.

14 In other words, we don't like to put a lot of  
15 stuff that just could be mere garbage in there. We want to  
16 put the facts of what we can prove and what is relevant to  
17 that case. So if -- and in this case, most of the officers  
18 work notes were copied and put in the file.

19 Q Would you expect that any relevant facts taken  
20 down in notes by an officer would ultimately be reflected  
21 in reports in the case jacket?

22 A Yes, I would.

1 Q You mentioned that you spoke to the Park Police  
2 or the solicitor, office of the solicitor of the interior  
3 department. Did you have any discussions with those  
4 individuals about the authority of the White House counsel?

5 A I just asked what the role of the White House  
6 counsel was. I knew he was the White House counsel and had  
7 a lot of authority, and I said really, how do they stack up  
8 when you talk about other people in the legal field, like  
9 the Attorney General, and the solicitor said the White  
10 House counsel has a lot of authority, which I knew. That  
11 was just a conversation like over coffee. It was not an  
12 official conversation.

13 Q Do you recall whether he explained that, the role  
14 of the White House counsel in any more detail?

15 A He explained it in the fact that, well, yes, they  
16 will deal with a lot of complex situations that goes to the  
17 attorney for everything that goes on in the White House,  
18 little things to big things, a lot having to do with  
19 relationships with other departments and other cabinet  
20 members, and a lot of the authority of the appointments of  
21 other cabinet members. The chief counsel was normally  
22 involved in that.

1 Q Did you talk about the specific relationship  
2 between the White House counsel and the Department of  
3 Justice?

4 A No, I didn't.

5 Q And that was a conversation not with Mr. Collier  
6 but with someone from the solicitor's office?

7 A Yes.

8 Q In your experience, when is an addendum to a  
9 report filed in the case jacket?

10 A Usually after there has been an initial report  
11 and we have an addendum with follow-up information, or new  
12 information or maybe even clerical information.

13 Q Are there any standard procedures or general  
14 orders about that?

15 A No.

16 Q Can the investigative officer or personnel file  
17 an addendum at any time they think it's appropriate?

18 A Sure.

19 Q Do they need to get permission from the detective  
20 in charge of the case?

21 A They could, if they thought it was appropriate,  
22 they would submit it to their supervisor and it gets placed

1 in the folder.

2 Q Would you expect that that would happen, that it  
3 would be submitted to the supervisor in charge before it  
4 was submitted?

5 A Yes, I would.

6 Q Would you expect that every piece of paper would  
7 be submitted through the officer in charge before it goes  
8 into the case jacket?

9 A Should be submitted to the supervisor before it  
10 goes in the case jacket, yes.

11 Q Is that so the supervisor has an opportunity to  
12 ask questions or make suggestions about it?

13 A Sure, coordinate it, make sure -- there may be  
14 two investigators working on a complex case. One of them  
15 may have this piece of information, one may have this piece  
16 of information. They may not be the same. They may  
17 contradict each other.

18 Q What would happen in that case?

19 A They would have to get them together to find out  
20 which one is fact, where they got it, what their sources  
21 were, and who was telling truth and what was true fact.

22 Q Does that mean reports containing potentially

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1 contradictory facts can't both be included in the case  
2 jacket?

3 A They can be included but someplace or another,  
4 someplace they should be reconciled.

5 Q And the way that is reconciled is before the  
6 reports go into the file?

7 A Yes.

8 Q So is it fair to say that the reports as they are  
9 placed into the file reflect some analysis and judgment on  
10 the part of the officer in charge?

11 A Yes.

12 Q If an addendum is filed that expands or changes a  
13 fact that was included in an original report, how is the  
14 original report handled? In other words, what if a  
15 contradictory fact is discovered that's included in an  
16 addendum. What happens to the original report?

17 A Well, the original report is still the original  
18 report. The addendum is what's supposed to correct the  
19 original report. And there should be a report issued that  
20 well, originally we reported this, however new evidence  
21 says, one, two, three or whatever.

22 Q Do you know whether any reports were ever changed

1 in the course of this case?

2 A I do not.

3 Q Is it standard procedure or is it usual to change  
4 a report once it's in the case jacket?

5 A It is not usual to change a report. Unless it  
6 was found that it was issued with something completely  
7 false, it's usually corrected, not necessarily changed.  
8 It's corrected.

9 Q How would it be corrected?

10 A With another report.

11 Q So the use of addendums to reports is the way  
12 that you correct?

13 A Yes.

14 MR. DARMER: No further questions.

15 MR. IVEY: Let's call it a day.

16 (Whereupon, at 11:31 a.m., the deposition was  
17 concluded.)

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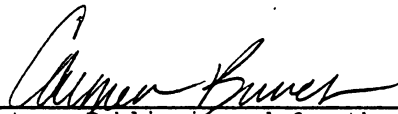
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ROBERT H. HINES

CERTIFICATE OF NOTARY PUBLIC & REPORTER

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I, CARMEN BUNCH, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn; that the testimony of said witness was taken in shorthand and thereafter reduced to typewriting by me or under my direction; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and, further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

  
\_\_\_\_\_  
Notary Public in and for the  
District of Columbia

My Commission Expires MARCH 14, 1998



IN REPLY REFER TO:

## United States Department of the Interior

NATIONAL PARK SERVICE  
Headquarters, United States Park Police  
1100 Ohio Drive, S.W.  
Washington, D.C. 20242

September 12, 1994

Senator Donald W. Riegle, Jr.  
Chairman  
Committee on Banking, Housing and Urban Affairs  
Washington, D.C. 20510-6075

Dear Senator Riegle:

Enclosed is the copy of the transcript of my deposition given pursuant to Senate Resolution 229 before the Senate Committee on Banking, Housing and Urban Affairs.

I have reviewed the deposition and I am hereby submitting "Errata" corrections.

Sincerely,

Robert H. Hines, Major  
Commander, Office of Inspectional Services

Enclosure

ERRATA

- Page 6    Line 9 - should be "inspectional" vice "special"
- Line 10 - should be "audits" vice "audit"
- Line 10 - should be "planning and development" vice  
                  "planning development"
- Line 16 - delete "will"

ERRATA

- Page 8    Line 2 - delete "relationship between" insert "position  
          of"
- Line 2 - add "at the White House;" after "Foster"
- Line 2 - delete "which"
- Line 4 - delete "notify," insert "make next of kin  
                  notification,"
- Line 7 - delete "and we will notify" insert "If" before  
                  "Next"
- Line 8 - should read "made, we" vice "made and we"

ERRATA

- Page 9    Line 8 - delete "Mrs. Foster" insert "his mother"
- Line 9 - delete "his mother" insert "her"
- Line 17 - after "12:30" insert "a.m."

ERRATA

- Page 12   Line 11 - delete "them" insert "him"

ERRATA

- Page 13   Line 13 - delete "No" insert "And"
- Line 15 - insert "report," after "initial"

ERRATA

Page 15 Line 15 - insert "suicide by" after "apparent"  
Line 19 - change "found" to "find"  
Line 20 - delete "him" insert "them"

ERRATA

Page 17 Line 15 - delete "workers" insert "co-workers"

ERRATA

Page 18 Line 6 - add "was concerned," after "investigation,"  
Line 22 - delete line 22 and insert "Some days when  
bodies go to"

ERRATA

Page 19 Line 1 - delete "do" insert "post"  
Line 2 - delete "you know"

ERRATA

Page 24 Line 4 - add the word "a" after "out in"  
Line 6 - delete "'re supposed to always"  
Line 7 - delete "would"

ERRATA

Page 25 Line 17 - insert "." after "statement"; delete "that"  
Line 18 - delete "basically just --"  
Line 19 - change "correct" to "correctly"



ERRATA

Page 26 Line 1 - delete "is" insert "was"  
Line 2 - delete "of that"

ERRATA

Page 27 Line 18 - delete "him" insert "Nussbaum"

ERRATA

Page 28 Line 9 - delete "occurs" insert "occur"  
Line 11 - insert "would" after "normally"  
Line 18 - delete "definitely"

ERRATA

Page 29 Line 4 - delete "and talking with our people"

ERRATA

Page 32 Line 14 - delete the first "them"; insert "it"

ERRATA

Page 34 Line 4 - add the word "is" after "This"  
Line 15 - delete "a threat or have a threat"; insert  
"threatened"

ERRATA

Page 37 Line 21 - delete "around,"

ERRATA

Page 38 Line 7 - delete "all that stuff" insert "everything"

ERRATA

Page 41 Line 6 - delete "PO" insert "PIO"

Line 11 - delete "people to be" insert "press calls"

Line 12 - after "with" insert "the press"

ERRATA

Page 43 Line 19 - change "homicide" to "homicides"

ERRATA

Page 48 Line 7 - delete both "July 21" insert "July 20"

ERRATA

Page 49 Line 4 - delete "they" insert "she"

ERRATA

Page 50 Line 3 - delete "Normally"

ERRATA

Page 52 Line 3 - delete "they have" insert "the deceased had"

Line 3 - delete "and they" insert "the family"

Line 4 - delete "tell" insert "tells"

Line 4 - delete "sometimes"

Line 16 - delete "sick" insert "ill"

ERRATA

Page 53 Line 22 - delete "falling" insert "coming"  
Line 22 - delete "of things that"

ERRATA

Page 55 Line 15 - delete "get usually" insert "usually get"

ERRATA

Page 56 Line 13 - delete "like"

ERRATA

Page 57 Line 1 - delete ", whether they're" insert "concerning  
a person"  
Line 3 - delete "kind of"

ERRATA

Page 58 Line 17 - delete "attorney" insert "friend"

ERRATA

Page 63 Line 11 - delete "them" insert "the press"

ERRATA

Page 64 Line 9 - insert "investigations" vice "investigation"

ERRATA

Page 65 Line 4 - change "Champ" to "Schamp"  
Line 9 - delete "especially," insert "the"  
Line 9 - insert ["] before "look" and after "case"

ERRATA

Page 67 Line 15 - delete "like I say,"  
Line 16 - change "investigation" to "investigations"  
Line 19 - delete "do work shift work," insert "work in shifts,"

ERRATA

Page 69 Line 6 - delete "27 years,"  
Line 6 - delete "that" insert "an investigator"  
Line 13 - delete "when"

ERRATA

Page 71 Line 1 - delete "like"  
Line 2 - insert "like" after "me"  
Line 10 - delete "have" insert "take"  
Line 11 - delete "taken"  
Line 11 - delete "you walk" insert "I walked"

ERRATA

Page 74 Line 6 - change "Fornshil" to "Fornshill"  
Line 9 - change "Fornshil" to "Fornshill"  
Line 14 - change "Fornshil" to "Fornshill"

ERRATA

Page 80 Line 18 - delete "true" insert "forthcoming"

ERRATA

Page 81 Line 9 - delete "him" insert "us"

ERRATA

Page 83 Delete lines 1 and 2 and insert "I told them that we"  
 Line 3 - insert "that" after "and"  
 Line 5 - insert "that we told the staff" after "them"  
 Line 17 - delete "either I want" insert "or that he  
 wanted"

ERRATA

Page 84 Line 10 - delete "they" insert "we"  
 Line 16 - insert "," after "investigations"  
 Line 17 - delete "prosecutor" insert "prosecutorial"  
 Line 18 - delete "of" insert "with"  
 Line 22 - delete "person" insert "agency"

ERRATA

Page 86 Line 8 - delete "that" insert "who"  
 Line 9 - delete "a" insert "an"

ERRATA

Page 88 Line 3 - after "Department" insert "attorney"

ERRATA

Page 91 Line 17 - after "authority" insert "."  
 Line 17 - delete "that they do"  
 Line 18 - delete "a lot."  
 Line 18 - insert "The" before "Chief"  
 Line 18 - delete "for" insert ", from"

ERRATA

Page 97 Line 22 - insert "staff" after "high"  
 Line 22 - delete "of" insert "at"

ERRATA

Page 98 Line 21 - delete "Things cost" insert "It costs"

ERRATA

Page 99 Line 1 - change "conclusions" to "conclusion"  
Line 4 - delete "it" insert "any conclusion"  
Line 9 - delete "everything" insert "every test"  
Line 12 - delete "medical detectives" insert "metal detectors"

ERRATA

Page 100 Line 12 - change "sent" to "send"  
Line 13 - change "sent" to "send"

ERRATA

Page 102 Line 17 - change "call" to "calls"

ERRATA

Page 105 Line 6 - change "Champ" to "Schamp"  
Line 7 - change "received" to "receive"

ERRATA

Page 107 Line 21 insert ["] before "when"  
Line 22 insert ["] before "conclusion"

ERRATA

Page 109 Line 4 delete " -- members of the White House"  
Line 5 delete "members" insert "staff"

ERRATA

Page 110 Line 18 - Delete "Yes" insert "No"

ERRATA

Page 112 Delete lines 16, 17, 18, and 19 and insert:  
 "The process would be called a 'major crimes  
 print.' That involves taking palm prints as well  
 as finger prints. Normally, this is not done in  
 suicide cases."

ERRATA

Page 115 Line 17 - delete "seven-day" insert "7(a)"

ERRATA

Page 120 Line 2 - delete "for" insert "to"  
 Line 2 - delete "And they" insert "His family"  
 Line 3 - delete "back"  
 Line 4 - delete "for" insert "to"  
 Line 5 - delete ", and that"  
 Line 21 - delete "wouldn't or why" insert "would or  
 would not"

ERRATA

Page 122 Line 2 - delete "you know, stuff" insert "things"

ERRATA

Page 124 Line 6 - delete "about that"  
 Line 11 - delete "defense"

ERRATA

Page 125 Line 17 - delete "ask" insert "if"

ERRATA

Page 129 Line 13 - change "Fornshil" to "Fornshill"

ERRATA

Page 131 Line 5 - insert "as" after "Just"

Line 5 - delete "of I'm"

Line 8 - insert "it" before "was"

ERRATA

Page 132 Line 10 - change the 2nd "and" to "when"

Line 17 - change "Fornshil" to "Fornshill"

ERRATA

Page 133 Line 14 - change "investigation" to "investigations"

ERRATA

Page 134 Line 14 - delete "about what --"

Line 14 - change "want clear some" to "wanted to clear up"

ERRATA

Page 140 Line 10 - insert "matter of" before "timing"

Line 11 - delete "of"

ERRATA

Page 146 Line 20 - change "shreded" to "shredded"



ERRATA

Page 147 Line 13 - delete "completely different" insert  
"differently"

ERRATA

Page 148 Line 9 - insert "else" after "anything"

Line 9 - delete "it"

Line 13 - delete "report" insert "file"

Line 17 - delete "so if -- and in" insert "In"

ERRATA

Page 150 Delete lines 21 and 22 and insert

"They should, if they think it is appropriate to file  
an addendum, submit it to their supervisor and it gets  
placed"

**DEPOSITION OF  
SERGEANT ROBERT ALLEN RULE  
IN RE: S. RES. 229**

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**TUESDAY, JULY 26, 1994**

**U.S. SENATE,  
COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS,  
Washington, DC.**

**Deposition of SERGEANT ROBERT ALLEN RULE,  
called for examination pursuant to notice of deposition, at 4:10 p.m.  
in the Dirksen Senate Office Building, Room G-59, before LISA N.  
BENCHOFF, a Notary Public within and for the District of Colum-  
bia, when were present:**

**GLENN F. IVEY, Esq.  
Majority Counsel  
ROMAN E. DARMER, III, Esq.  
IRA PAULL, Esq.  
PAUL GOLDENBERG, Esq.  
Minority Counsel  
Committee on Banking, Housing, and Urban Affairs  
U.S. Senate  
On behalf of the Committee.**

CONTENTS

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| WITNESS                    | EXAMINATION |
|----------------------------|-------------|
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| by Mr. Darmer .....        | 26          |

EXHIBITS

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| Sergeant Robert Allen Rule       |            |
|----------------------------------|------------|
| DEPOSITION NUMBER                | IDENTIFIED |
| Exhibit 1—drawing .....          | 17, 1300   |
| Exhibit 2—guideline manual ..... | 90, 1301   |

## P R O C E E D I N G S

Whereupon,

SERGEANT ROBERT ALLEN RULE

was called as a witness and, having first been duly sworn by the Notary Public, was examined and testified as follows:

## E X A M I N A T I O N

BY MR. IVEY:

Q Good afternoon, my name is Glenn Ivey, I am counsel for the Senate Banking Committee. We are here to do a deposition pursuant to Senate Resolution 229, a particular aspect of it which is involving the investigation of Vincent Foster's death. Basically the deposition is in preparation for a hearing which will be held on Friday on that matter and I should tell you now that there is a chance you could be called as a witness. I am not saying that you will be but, you know, you should just keep that in mind.

You have been sworn, as you can see this is being transcribed. We are going to ask you a series questions, I

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will ask questions first, Mr. Darmer will ask questions afterwards. Obviously, give the best answers you can as far as honesty and recollection. To the extent you don't recall, that's fine, just let us know.

If you have any questions or concerns about the question I ask, let me know and I will try to explain the question and rephrase it. If your answer involves any type of speculation or guesswork just let us know which part is speculative and which part is fact-based.

There are a couple possible objections that could come up. One is an objection on the scope of the question, in other words, the question calls for an answer that goes beyond the Vince Foster investigation. We actually have a part of it roped off at this point involving the search of Vince Foster's office and the documents related to that. If you hear that objection, don't give an answer, wait until we resolve it. If you hear another objection say as to the form of the question, you will still be permitted to answer the question and the objection will just be noted for the record.

A Okay.

Q Do you have any questions for me before we get

1 started?  
2 A Not really.  
3 Q Could you state your name, please?  
4 A Sergeant Robert Allen Rule, R-u-l-e.  
5 Q Who are you a sergeant for?  
6 A The United States Park Police.  
7 Q How long have you been with the Park Police?  
8 A Little over 16 years.  
9 Q How long have you been a sergeant?  
10 A Seven years.  
11 Q What are your responsibilities as a sergeant?  
12 A I am currently assigned to the Major Crimes Unit  
13 of the Criminal Investigations Branch of the Park Police.  
14 Q On July 20, 1993 were you assigned to the same --  
15 A Yes, I was.  
16 Q What are the responsibilities that you have in  
17 that role?  
18 A The sergeant in the Major Crimes Unit has many  
19 responsibilities. We are each assigned a district, there  
20 is three supervisors, three sergeants; a west district  
21 sergeant, a central district sergeant and an east district  
22 sergeant. The west would handle anything on George

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1 Washington Parkway and Rock Creek Park. Central district  
2 sergeant would handle anything in the downtown area;  
3 monuments, memorials. In that area and the east district  
4 would handle anything on the Suitland Parkway,  
5 Baltimore/Washington Parkway.  
6 However, because there is only three sergeants,  
7 and obviously you are not all working at once, if something  
8 happens during your shift you are responsible for whatever  
9 happens. The division is basically for the supervision and  
10 doing personnel actions and doing the review for the year  
11 and it is just divided up that way for ease of that, but as  
12 far as anything that happens during your shift you are  
13 responsible for that no matter where it is in the Park  
14 Police.  
15 So we supervise the cases, we assign cases, we  
16 review the reports that the detectives do, we try and keep  
17 an overview of the investigation.  
18 MR. IVEY: Can we go off the record for a  
19 minute.  
20 (Recess.)  
21 BY MR. IVEY:  
22 Q Were you on duty on July 20, 1993?

1 A July 20, yes, I was.

2 Q What were you doing that day?

3 A July 20 I was working day work which is the 6:00  
4 a.m. to 2:00 p.m. shift.

5 Q Did there come a time when you received a call or  
6 heard about a call for a dead body at Fort Marcy Park?

7 A No, I was off duty already at that point. I went  
8 home at 2:00, I was working day work.

9 Q Are you familiar with the subsequent  
10 investigation --

11 A Yes.

12 Q -- involving Vincent Foster?

13 A Yes, I came in the following morning and the  
14 detectives that had handled it were still there.

15 Q And how did you become aware of the death?

16 A Detective -- actually, Investigator Rolla,  
17 Investigator Abt and Investigator Braun who were working on  
18 the evening shift on the 20th were still there when I came  
19 in in the morning and, of course, I was a little surprised  
20 to see them knowing that they were on the evening shift and  
21 they proceeded to tell me the events that had occurred.

22 Q What did you do after they told you what had

---

1 happened?

2 A Well, basically I sat down with them to be  
3 briefed on what they had found in their investigation.  
4 They indicated that he was a White House -- a high official  
5 in the White House and basically beyond that we, you know,  
6 I did what, you know, was commonly done is you sit down,  
7 decide what needs to be done, what hasn't been done yet.  
8 At that point we knew there was going to have to be an  
9 autopsy, obviously, and generally it takes -- it is usually  
10 not the following day, it takes a day or two beyond the day  
11 of the recovery of the body.

12 So we wanted to look at that, who was going to go  
13 to the autopsy, we kind of decided that -- this was  
14 Wednesday morning at this point and we figured it wouldn't  
15 be at least until Thursday morning that the autopsy would  
16 be done. So, you know, I looked at their basic reports,  
17 they were punching out their preliminary reports and just  
18 sitting down, deciding who needed to be interviewed and,  
19 again, because it was such a, you know, highly-placed  
20 person in the White House, the scope of who needed to be  
21 interviewed and appeared it was going to be fairly wide, so  
22 we tried to sit down and organize that.

1 Q Did you talk with anyone else about it other than  
2 Braun, Rolla and Abt?

3 A Captain Hume, I think, came in at some point  
4 during this. I don't recall the exact time and, you know,  
5 I briefed him on it and I don't know if Major Holmes was  
6 working that day or not to be honest with you. I know  
7 Captain Hume was because I discussed it with him and I was  
8 new in this office at this point, I had only been there a  
9 week. I had been assigned to the Special Forces Branch as  
10 a SWAT team sergeant for the previous five years so I was  
11 new in that office.

12 So I sat down with Captain Hume and we went over  
13 what we had and I initially said -- it was a west district  
14 case, again, being new in there I said it was a west  
15 district case which means it occurred on the George  
16 Washington Parkway, I was going to assign a west district  
17 detective, actually an investigator in this case. He said,  
18 well, this is a fairly serious case, I am going to assign  
19 somebody who is a detective.

20 There is different two grades with us, an  
21 investigator and a detective and he said that because of  
22 the nature of this it would be better to assign a

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1 detective. I said that's fine.

2 So we basically looked at what needed to be done  
3 at that point and I think the people that had worked the  
4 evening; Investigator Abt, Braun and Rolla all went home at  
5 that point after submitting their initial reports. Later  
6 on in the morning we were notified they could do the  
7 autopsy that day and I think the captain said that there  
8 had been a call placed, somebody had requested that they  
9 could get the autopsy done as soon as possible.

10 Q Do you know who called?

11 A I don't know. Somebody, I think, had contacted  
12 the Chief's office and I think the Captain said -- and  
13 requested if we could, you know, get it done as  
14 expeditiously as possible so.

15 Q Do you know who that someone was or where he  
16 called from?

17 A I really don't know. Somebody called the Chief's  
18 office, the Chief's office apparently called Captain Hume,  
19 and he, I believe, got on the phone with the medical  
20 examiner, Dr. Byers. Dr. Byers said fine, we can do that  
21 today. Apparently they weren't too busy.

22 At that point the investigators that worked -- it

1 is, you know, it is nice to have the investigators that  
2 actually worked the crime scene go to the autopsy whenever  
3 possible but it is not essential. So I called Investigator  
4 Rolla at home and told him that hey, they are going to do  
5 the autopsy today if you can get in, fine. I could just  
6 tell talking to him on the phone he was beat and then I  
7 became a little concerned that he might have an accident  
8 and really at that point when somebody is that tired, to  
9 bring them in and send them through something, chances are  
10 they are going to make a mistake and not do as good a job  
11 as somebody who was fresh.

12 So I felt that I was fairly well briefed on the  
13 initial part of the investigation, Investigator Jim  
14 Morrisette and myself went to the autopsy later that  
15 morning, I think it was around 10:00. We took two ID  
16 technicians with us, Wayne Johnson was one of the ID techs  
17 and Shelly Hill. I think Wayne Johnson was in training at  
18 that time, too, so Shelly Hill was basically as the senior  
19 ID tech.

20 Q And were you present during the autopsy?

21 A Yes, I was.

22 Q Did you take any clothes or any other items from

---

1 the --

2 A I did not personally, they were given to the ID  
3 techs. Any recovery of evidence as far as if there had  
4 been a bullet recovered or anything with regards to  
5 physical evidence that is taken from a body in a postmortem  
6 is taken by an ID technician, that is the standard practice  
7 for the police department.

8 Q Did anything unusual happen during the autopsy or  
9 anything that sticks out in your mind?

10 A No, nothing unusual.

11 Q Do you know if x-rays were taken?

12 A I didn't see any x-rays taken at that time, no.

13 Q Is that unusual?

14 A No, that's not unusual. I mean, they -- if they  
15 don't -- if they are not satisfied with their initial  
16 investigation or if something comes up that is unusual then  
17 I guess they would take an x-ray but of the autopsies that  
18 I have been to since, which is several, it is not a common  
19 thing.

20 Q What did you do after the autopsy?

21 A After the autopsy we responded back to the office  
22 at that point and, again, this was just one of the my



1 duties for the day. Morrisette, I think, went in to type  
2 up his reports on the autopsy and the ID techs went in  
3 there and I was basically back -- I was the only supervisor  
4 working that day so I basically had the rest of the things  
5 that were going on in the street at that time was my  
6 responsibility and I don't believe I did anything beyond  
7 that that day with regards to the Foster case.

8 The only thing that we may have done is at that  
9 point we had the lookout for the white van and I had talked  
10 to Investigator Morrisette and I said, you know, we need  
11 to get that lookout to the District 2 people, the people  
12 that patrol the George Washington Parkway where Fort Marcy  
13 is so that if anybody spots this white van it can be  
14 stopped and we can identify the person.

15 Q Do you know if there were any searches for the  
16 bullet done in Fort Marcy Park?

17 A Yes.

18 Q When was that done?

19 A That was done the following day, on Thursday.

20 Q So this would be two days after the --

21 A The body --

22 Q -- body was recovered?

1 A Right, the body was recovered approximately 6:00  
2 Tuesday night, I came in Wednesday morning, we did the  
3 ground work for the investigation, the autopsy, and then  
4 the following day, that is correct, Thursday.

5 Q Were you present when that search was done?

6 A Yes, I was.

7 Q How big of an area was searched with the metal  
8 detectors there?

9 A If you come down from the cannons it is a fairly  
10 open area and we felt that that area could reasonably be  
11 searched with the number of people that we had --

12 Q How many was that?

13 A That day I believe there was, again, two ID  
14 technicians and two detectives; myself and Morrisette  
15 again. And I think, again, it was Shelly Hill and Wayne  
16 Johnson were the ID techs.

17 Q So that's four all together?

18 A I think it was four, to the best of my  
19 recollection. We looked at it and evaluated the position  
20 that the body had been recovered. The way we felt, having  
21 already gone to the autopsy, we felt that the round was  
22 going upward and felt that probably it was going to

1 continue on for some distance but that with the open area  
2 behind where the body was laid out would be, you know, the  
3 best place to be searched.

4 Beyond this open area it got into heavily-wooded  
5 area and we felt that the probability of recovering the  
6 round in that area in a reasonable time span would be  
7 pretty small. We searched this open area and I would --  
8 geez, I tell you -- I would say maybe 30 yards by 30 yards,  
9 that's just a big ballpark guess.

10 We searched that area and then what myself and  
11 Detective Morrisette did, and I think the ID techs were  
12 doing it also while they were finishing up, is check the  
13 area of the trees, the visible area of the trees that  
14 faced -- in other words, if the body was like this  
15 (indicating) and the gunshot was believed to be going out  
16 in this direction (indicating), we checked the areas of the  
17 trees from, say, the ground up to see if we could locate  
18 any impact point that the bullet may have struck these  
19 trees because it was really pretty difficult to estimate  
20 how much velocity this bullet would have when it exited the  
21 body and obviously it exited the body, it wasn't recovered  
22 in the autopsy.

1 We didn't find anything in either the visual  
2 search of the trees or the ground and, again, you are  
3 constantly hitting bottle caps and any little metal piece  
4 in the ground, that's very painstaking, very laborious. It  
5 is not like the metal detecting at the beach that a lot of  
6 people see.

7 Q About how long did you guys spend doing this  
8 metal detector search?

9 A It was a number of hours, I don't know. I really  
10 don't recall how long it was.

11 Q Would you say it was more than two hours?

12 A I would say probably in the neighborhood of two.  
13 Again, we got done -- we did the open area that we could  
14 and at that point I saw that, you know, the heavily-wooded  
15 area, it would take a whole lot of people a long time to  
16 comb that.

17 Q And the area, the open area you are talking  
18 about, would that have been behind Foster's head?

19 A Yeah, if --

20 Q Would it help to draw it?

21 A Yeah, it probably would.

22 The cannons are facing out this way and the body

1 is on a slight slope downhill this way. There is an open  
2 area back in this area then it begins to get heavily-wooded  
3 again over here and we checked this area in here in case  
4 that it lost enough velocity that it would have dropped in  
5 this open area. We didn't come up with anything.

6 Then we checked the trees, the outer surface of  
7 the trees to see if we could locate any holes or any  
8 obvious area where a bullet had impacted the trees and we  
9 didn't find any.

10 Q Could you write "open area" on the area where you  
11 guys searched?

12 (The witness complied.)

13 A You want me to indicate the heavily --

14 Q Yeah, "trees" or "woods" or whatever you want  
15 to.

16 (The witness complied.)

17 MR. IVEY: Could you mark this Exhibit 1,  
18 please.

19 (Rule Exhibit 1 identified.)

20 BY MR. IVEY:

21 Q Was there any search done for bone fragments from  
22 his head?

1 A Not that day.

2 Q Do you know if there was ever one done?

3 A I don't know. I would assume that the ID techs  
4 or somebody may have done it but we didn't do it that day,  
5 certainly. The crime scene had been opened up and run  
6 through, anything could have happened so at that point we  
7 weren't going to do it.

8 Q When you say "opened up and run through" --

9 A Well, I mean there was nobody securing it  
10 anymore, it was open to the general public so anybody could  
11 have gone up there at that point.

12 Q Okay. Did you do anything else out at the park  
13 that day other than search for the bullets -- bullet?

14 A Not at Fort Marcy. We did -- Detective  
15 Morrisette and I when we left Fort Marcy after metal  
16 detecting went up -- we were looking into the tape that was  
17 called into Communications. It was later determined it was  
18 a Park Service person so we went up to Turkey Run which is  
19 the headquarters of the Park Service.

20 We talked to the supervisors up there and we  
21 played the tape for them and asked them to identify the  
22 voice so we could -- because there was no identification

1 given by the caller to our communications branch. And we  
2 played it for two -- I believe two supervisors.

3 The first one we played it for said he didn't  
4 have any idea and he said that the other supervisor would  
5 probably recognize the voice or would have a greater chance  
6 of recognizing the voice. The second supervisor said, I  
7 think I know who it is and he gave us a name and off the  
8 top of my head I don't remember the name.

9 Q Did you talk to that person?

10 A Yeah, we went down -- he worked down at the  
11 airport yards and we talked to him that day and he said,  
12 yeah, he had made the call.

13 Q Did you get any other information from him?

14 A He had had a few beers down there with his  
15 co-worker and I think he was a little concerned that maybe  
16 he shouldn't have been there and he was apprehensive. He  
17 said, I don't want to get -- I don't want to be involved in  
18 a big investigation and, you know.

19 It was pretty clear that he wasn't -- I didn't  
20 get the impression that he was -- I think he was a little  
21 more concerned that maybe there was ramifications on the  
22 job that he shouldn't have been there rather than somebody

---

1 who was really trying to conceal anything from us. He  
2 basically said, yeah, I made the call and we knew what the  
3 contents of the call consisted of, obviously, from the  
4 tape.

5 Q Was this the same guy that saw the white male in  
6 the white van?

7 A Yes.

8 Q Was he able to give any description of this --

9 A No, he didn't really give us anything  
10 additional. We talked to him about the van, I think he  
11 added that there was some writing on the side and --

12 Q Could he remember what the writing was or the  
13 color or anything like that?

14 A He said it was a white van, I believe is how he  
15 described it and there was some lettering on the side  
16 and -- trying to think of what else he said. He don't have  
17 much to add to what he said to the dispatcher on the tape.

18 Q What else did you do that day as far as your  
19 investigation?

20 A At that point I think that was -- we had done the  
21 metal detecting I think around 10:00 in the morning and  
22 then when we finished that we went up to Turkey Run and by

1 the time we tracked that and went down to the airport yards  
2 I don't know what time it was, after 2:00 certainly and I  
3 guess we just went in and started typing up -- he started  
4 typing up his reports on what he had found that day. I had  
5 to, again, check out what was going on with the rest of the  
6 department because it was -- I think I was, again, the only  
7 supervisor working that day. As I am today.

8 Q Any other parts of the investigation after  
9 writing the reports for the day, was there anything else  
10 done with respect to Vince Foster?

11 A No, that was pretty much it as to my involvement  
12 with it. The case, again, was assigned to Detective  
13 Markland, Pete Markland, and I think during that day  
14 Captain Hume and him went over to the White House and I  
15 don't recall if I had a conversation with them about how it  
16 went there. I think they got back late that day or  
17 something, I think I talked to them the next day or  
18 something.

19 Q So what did you do the next day?

20 A Let's see, that would have been Friday. Friday  
21 we had -- we had a request to get the gun processed and the  
22 Captain asked me to get the ID tech that was working at

---

1 that time, E. J. Smith, to process the gun. So I believe I  
2 told -- the only thing really with reference to this  
3 investigation that I did on Friday was to have ID  
4 Technician Smith process the gun.

5 Q Do you know why Hume asked to have it done that  
6 day?

7 A I knew that they wanted to expedite the thing and  
8 the ID technician that had originally taken the gun at the  
9 scene up at Fort Marcy was on leave and he had gone on his  
10 sign-off day so there was going to be some lag time and,  
11 again, for something like this it is not, you know, a gun  
12 to be processed can be processed by one ID tech as easily  
13 as another, it was just to expedite the matter.

14 Q Did Hume say why he wanted to expedite it?

15 A No, he just said that, you know, at that point I  
16 think it was clear that, you know, it was a highly-placed  
17 official in the White House and things were -- you know, it  
18 wasn't to drag on and sometimes with the backlog and  
19 working and all that in a police department, sometimes it  
20 takes a long time to do stuff and it was clear that, you  
21 know, we were going to move along with this one, this was  
22 not going to, you know, there wasn't going to be down

1 time.

2 Q Other than having Smith print the gun did you do  
3 anything else with respect to the Foster case that day?

4 A Not that I can recall, no.

5 Q What is the next thing you did with respect to  
6 the Foster case?

7 A To be honest with you I really didn't have too  
8 much to do with it after that. The following week, I am  
9 not sure if the other sergeants were back from leave but it  
10 wasn't -- first of all, it wasn't in my district. Again, I  
11 am the central district sergeant and it occurred in another  
12 district so I wouldn't even get the follow-up reports on  
13 it.

14 The reports that the investigators would do would  
15 go to another supervisor whose district it was, which would  
16 be Sergeant Gentile. At that point if the Captain was  
17 going to be involved in the investigation with Detective  
18 Markland, Detective Markland would probably submit the  
19 reports to either the Captain or Sergeant Gentile, they  
20 wouldn't come to me. The only reason I really had anything  
21 to do with this investigation is because Sergeant Gentile  
22 was on leave, it is his district.

---

24

1 Q Do you remember hearing any conversations about  
2 the investigation?

3 A There was some bits and pieces of conversation to  
4 the effect that, you know, the White House wasn't giving us  
5 the cooperation that we had hoped for, in particular  
6 Mr. Nussbaum, that he wasn't, you know, giving up what we  
7 needed, that he was kind of holding back.

8 Q Anything specifically? I guess I should set off  
9 the White House office search of Foster's office but other  
10 than that, was there anything in particular and if you can  
11 recall who said it too?

12 A It was mostly to do with the problems at the  
13 White House that they had getting in, I think the initial  
14 day, which was Wednesday. They had a problem getting in,  
15 there was a problem with -- they had asked for security on  
16 the door and I don't know if it was done or not, it may not  
17 have been done timely, words to that effect. It was  
18 Captain Hume and Detective Markland and at that point I  
19 pretty much went back to the activities that I had which  
20 was another district.

21 Q Did you talk with anybody from the Park Police  
22 about this deposition that was coming up?

1 A Well, yeah, I told both my captain and my major  
2 that I was going to be gone.

3 Q Who are they?

4 A Captain Hume and Major Ben Holmes.

5 Q Did Captain Hume talk to you about the deposition  
6 at all?

7 A No. He just told me how to get here and the best  
8 place to park.

9 Q In your view was there anything about the  
10 investigation that was done that, you know, was inadequate  
11 or was less than thorough or incorrect in any way?

12 A No, I don't believe there was. I believe it was  
13 a thorough, objective investigation. No one had any axe to  
14 grind throughout this.

15 Q If you could change anything about the way the  
16 investigation was done, at least as you know, what would  
17 you change, if anything?

18 A Of the investigation?

19 Q Yes.

20 A The only thing I would say is maybe our public  
21 information officer needed to coordinate a little better  
22 with the detectives that handled the case. I think maybe

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1 there was a little lax there but of the actual  
2 investigation itself, you know, I saw nothing improper or  
3 anything that was less than a hundred percent.

4 MR. IVEY: Your witness.

5 EXAMINATION

6 BY MR. DARMER:

7 Q Sergeant, you said that the first time you  
8 learned anything about the case was on the morning of the  
9 21st --

10 A Yes, that's correct.

11 Q -- is that right?

12 Was that because you encountered investigators  
13 Rolla and Braun at your facility?

14 A That's correct.

15 Q Had you read any reports from the previous day  
16 when you came into the office?

17 A No.

18 Q Were you aware that Investigator Rolla and Braun  
19 may have filed reports?

20 A Well, at some point, yeah, I sat down and looked  
21 at them but my first contact was that they were still  
22 there, I said what are you guys doing here.

1 Q What did they say about what had happened the  
2 night before?

3 A They had said that Vince Foster's body had been  
4 found at Fort Marcy, it was an apparent suicide. They  
5 talked about the investigation that they had done so far;  
6 that they had made notification to Mr. Foster's wife and  
7 that the President had showed up while they were doing  
8 that. You know, beyond that I just -- I think I looked at  
9 their initial reports and, you know, at that point we --  
10 the Captain had came in and we started discussing the work  
11 that needed to be done that day, that was it.

12 Q But you talked to them before you looked at their  
13 reports?

14 A Pardon me?

15 Q You talked --

16 A Yes, that's correct.

17 Q Did they tell you anything more about the  
18 notification of the Foster family?

19 A They just said that they had gone over and I  
20 think they said that they had started talking to  
21 Mrs. Foster and the President arrived and it kind of, you  
22 know, it was difficult to do that. Obviously he wanted to

1 give his sympathies at that point and it is hard to  
2 continue on with something like that and, you know, it  
3 was -- they had enough. I don't think they felt like they  
4 were shut out or put off or anything like that, it was a  
5 matter that the President showed up.

6 Q Did they tell you who else was there?

7 A I think they said a family attorney was there  
8 also.

9 Q Do you remember the name?

10 A No, I don't. They said something that the family  
11 attorney had arrived and that at some point while they were  
12 over there the President arrived.

13 Q Did they mention any other White House employees  
14 or any public figures that were there?

15 A None that I can recall, no.

16 Q Did they mention anything specifically about what  
17 they talked to people about there?

18 A I don't recall a lot about the conversations that  
19 they had. It was conversations to the effect that was he  
20 depressed, I think they raised that question to them and  
21 they didn't get any real response that she was concerned or  
22 that she had a real feel that he was depressed.



1           Usually in a suicide or something like that you  
2 go to the family to try and get an idea because you want to  
3 find out is this a murder or is this a suicide so you will  
4 talk to the family and try to get some kind of history and  
5 I know they were asking the obvious questions that you  
6 would ask of somebody whose --

7       Q   When you say you try to find out something about  
8 the family history, what kind of things would you try to  
9 find out in a notification?

10      A   What kind of things would I try and to find out?  
11 Generally if somebody has committed suicide in many cases  
12 there is some prior psychiatric treatment  
13 they are under the care of a doctor, you know, taking some  
14 medication, has there been any previous attempts, any  
15 hospitalizations, anything like that. So you try and get a  
16 feel for it.

17      Q   Would you ask about gun ownership?

18      A   Yes.

19      Q   Would you want to look around to see if a suicide  
20 note had been left in the house?

21      A   Yeah, I mean that's generally something that you  
22 would do. Again, it depends on the state of the family, if

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1 it is really -- and it can be a very emotional thing,  
2 people crying and hysterical often times. You try and get  
3 done what you can do, if they can accommodate a search of  
4 the house at that time then you try and do that.

5      Q   What would you -- what kind of things would you  
6 be looking for in a search of the house?

7      A   Obviously a suicide note, a container that the  
8 gun may have been in, any kind of prescriptions that they  
9 were under, things like that. Usually in their personal  
10 area, in the bedroom area or something like that or if they  
11 had an office or something like that.

12      Q   What kind of questions would you ask family  
13 members or people present at the house?

14      A   Again, similar to, you know, what I had  
15 elaborated on before; what was the person's state of mind  
16 over the last few weeks, had they talked about committing  
17 suicide, were they depressed, that kind of question. It is  
18 not always easy to do, it depends on the state of the  
19 person, you know, the family members at that time.

20      Q   If the state of person or family is such that it  
21 is hard to get that information what would you do then?

22      A   You try and talk to somebody who is close in the

1 family that is somewhat under control and that you can ask  
2 that to, whether it be, in this case if the wife is unable  
3 to talk to you because of, you know, emotional upset you  
4 would talk to maybe a child if they can handle it, I mean  
5 if they are of sufficient age that you can talk to or  
6 brother-in-law or sister-in-law or something like that.

7 Q Is it generally important to talk to the children  
8 in a death investigation?

9 A Well, depends on the age of the person,  
10 obviously. If they are a small child then you really have  
11 to be careful about what you are doing but, you know, the  
12 family members, you can also talk to co-workers, people  
13 that deal with them. You can talk to neighbors, all of  
14 that it is common.

15 Q What kind of things would you ask neighbors?

16 A Well, again, it depends on the relationship. If  
17 the neighbors are, you know, I see him when he pulls out  
18 every morning then, generally speaking, there is not too  
19 much to add. Have they observed any unusual behavior on  
20 the part of the person recently, questions like that.

21 Again, it depends on if you go up to them and say  
22 I am investigating the death of this person next door, you

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1 know, I would like to ask you some questions and they  
2 immediately respond well, you know, I have only lived here  
3 two weeks or I didn't know the guy then chances are you  
4 probably aren't going to get too much information from  
5 them.

6 Q If the family is upset or emotional at the time  
7 of notification what is the time frame which you try to  
8 follow up with the family?

9 A I mean obviously it is good to get back with them  
10 as soon as possible. Again, you know, you are not going in  
11 there with a warrant to tear the place apart. The family  
12 has rights and what we try and do is we try to do it as  
13 reasonably as possible. If the person is distraught, we  
14 need the information but we are not going to go in like  
15 storm troopers and demand and threaten and all that.

16 It is generally if it can't be done that night we  
17 ask them do not go into the room and if they do encounter  
18 anything -- we try and set up a time to come back generally  
19 is what it is; can we come back tomorrow morning, can we  
20 come back tomorrow afternoon and to accommodate them. We  
21 ask them not to disturb anything and if, in the meantime,  
22 they come upon something that they feel is significant to

1 hold onto it and give us a call immediately.

2 Q What kind of level of cooperation would you  
3 normally expect from a family in this kind of death  
4 notification situation?

5 A Well, it depends. Again, I have -- I had one two  
6 weeks after this that a young man had been in and out of  
7 psychiatric hospitals for most of his life. The father,  
8 when we knocked on the door and we told him it was about  
9 his son, he said he killed himself, didn't he.

10 Some families expect it, they know it; some  
11 families never accept it, deny that the person could have  
12 ever committed suicide, it had to have been a murder. I  
13 wouldn't say that it was any standard as to what you can  
14 expect to receive, it depends on what the family has gone  
15 through and what they believed was the state of mind of the  
16 person.

17 Q What kind of cooperation would you expect to  
18 receive from the family in terms of the information that  
19 you, the police, are trying to obtain?

20 A Generally, they are pretty cooperative, you know,  
21 there is not too much in the way of trying to put you off.  
22 I think generally what occurs is more of a denial that this

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1 person could have committed suicide.

2 Q In your experience have you generally found  
3 families to be cooperative with police efforts to try to  
4 find out information?

5 A Yeah, they are cooperative but, again, you have  
6 to be careful because people want to see what they want to  
7 see and if a person really doesn't think that their family  
8 member could have committed suicide then sometimes they can  
9 become an obstruction at times. But, generally speaking,  
10 you know, they cooperate and, you know, they want to find  
11 out what happened as much as you do.

12 Q I don't know if I asked you this, did  
13 investigators Braun and Rolla indicate whether there were  
14 friends present in addition to family members at the house?

15 A I think there was some people there but I will be  
16 honest with you I don't recall if it was friends or  
17 neighbors or what but there was some people at the house  
18 and the attorney was there for the family and at some point  
19 the President came.

20 Q Did they mention any conversations that they had  
21 with the attorney?

22 A None that I can recall, no.

1 Q Did they mention any specifics of any of the  
2 conversations they had had?

3 A I don't recall anything specific. I think there  
4 was something about that they asked her about the gun and I  
5 think she said she didn't know anything about the gun and I  
6 don't recall the specifics on that conversation. But I do  
7 recall something about that they talked to her about a gun,  
8 did he own a gun, and I think she said no but I don't  
9 recall the specific language that they asked in.

10 Q Did they describe the level of cooperation that  
11 they received at the house?

12 A I don't think we went into specifically the level  
13 of cooperation. I took it that more than anything else  
14 there was a lot of things happening and with a person  
15 that's placed highly in the government, obviously you are  
16 going to have people rushing over and I took it to the  
17 effect that basically it was the fact that the President  
18 came over, you know, kind of put things on hold and that's  
19 just the fact the President was the person's friend we  
20 didn't think anything unusual about that, it was something  
21 that we just said, okay, you know.

22 We work fairly close with the President in

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1 security matters so we know when he comes the Secret  
2 Service are with him, you know, everything kind of steps  
3 back a little bit and that's just the way it is and that's  
4 what we felt was happening there.

5 Q Does the fact that a high government official is  
6 involved change the way you do your investigation?

7 A No, but I think we anticipated that we would  
8 encounter probably things slightly different, like the  
9 President showing up. Generally when you are going to do a  
10 suicide notification the President of the United States  
11 isn't there, I mean that's -- so things like that.

12 No, you wouldn't do the investigation any  
13 different, you would work under the assumption that it was  
14 a homicide, it was a murder. Then you would see what the  
15 evidence leads you to believe, was it a homicide or was it  
16 suicide.

17 Q And you mentioned because it was a high  
18 government official people were rushing over?

19 A Well, I got the impression that there was other  
20 people, friends and family, maybe co-workers or something  
21 like that. The picture that they painted was there was a  
22 number of people there and I assumed that they were his

1 fellow employees, friends or whoever but there was a  
2 substantial number of people that were coming over and then  
3 when the President came, obviously the President doesn't  
4 walk in by himself, he has an entourage.

5 Q Do you know if the reports indicated that the  
6 President was at the house?

7 A I am not sure if they did or not.

8 Q What is the standard procedure for listing or  
9 describing who is present at the house when the police make  
10 the notification?

11 A What you really want to be sure of is who you are  
12 giving notification to, who in the family. I mean, you  
13 want to give it to somebody who has standing, someone who  
14 is related that's the father, mother, brother, so you have  
15 to be particularly careful in listing that. It is a good  
16 practice to try and list who is there if possible and  
17 sometimes when a family gets wind of it you have got  
18 uncles, aunts, cousins, little Johnny who is the son of the  
19 aunt who is there so you wouldn't go listing every person  
20 that was there unless you felt it was significant in some  
21 way.

22 Q Do you think the President of the United States

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1 is significant enough to receive notation?

2 A Yes, I mean that's significant, sure.

3 Q Would you be surprised if it wasn't included in  
4 the report?

5 A Probably not because -- only because something  
6 like that, the President of the United States being there,  
7 I don't think they felt it was germane to the  
8 investigation. In other words, the fact that he had come  
9 had no bearing on the investigation, okay, he was a friend  
10 of that person.

11 In other words, if John Doe committed suicide and  
12 while you were giving notification his co-worker, you know,  
13 Henry Smith showed up, I wouldn't necessarily say that that  
14 was something that I would include in my report. So  
15 anybody that came over or called with condolences I would  
16 not make an independent record of that.

17 Q Didn't you say that you usually try to talk to  
18 business associates and friends --

19 A Right.

20 Q -- of the deceased in the course of your  
21 investigation?

22 A That's correct.

1 Q And if the President of the United States was a  
2 friend of the deceased wouldn't he fall into that category?

3 A Yes, absolutely.

4 Q Wouldn't the friends and relatives of a deceased  
5 person be a good place to start for people to talk to?

6 A Yes, it would.

7 Q Do you know if any of the other people who were  
8 at the Foster home that evening were listed in the reports?

9 A I am not sure, I will be honest with you I don't  
10 recall if they listed exactly who was there and who wasn't.

11 Q Would you expect that the people present would be  
12 contacted -- people present at the notification would be  
13 contacted subsequently by the investigating officers?

14 A It depends. Again, you are not -- you have to  
15 limit the scope of who you are going to talk to. Obviously  
16 you can't talk to everybody that the person knew or met so  
17 I would try and center my investigation on the people  
18 closest to him.

19 Q How would you make that determination who those  
20 people were?

21 A I would go and talk to his -- well, I would talk  
22 to his wife, first of all, ask who his closest co-workers

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1 were, the people that knew him and then go to his place of  
2 employment, talk to his boss, who were his friends. Again,  
3 it is, you know, we are in a little unusual situation  
4 whereas sometimes -- obviously you are not going to call  
5 the President aside the night of this notification, and  
6 say, Mr. President, we would like to talk to you about  
7 Vince Foster right now.

8 Q Do you know if anyone ever asked Lisa Foster who  
9 her husband's closest friends were?

10 A I don't know.

11 Q Do you know if anyone ever asked Mr. Nussbaum,  
12 Mr. Foster's boss at the White House, who his closest  
13 business associates were?

14 A No, I don't know.

15 Q I would like to go back to the morning of the  
16 21st when you were describing you were --

17 A That would have been Wednesday morning.

18 Q Yeah. In your conversation with Rolla and Braun  
19 did you discuss the suicide at all?

20 A The --

21 Q Did you discuss the theory that it was a suicide?

22 A I just asked them what they had, what they

1 believed it was and they said it was an apparent suicide,  
2 the initial investigation appeared that it was a suicide.

3 Q Does that mean that they were treating it as if  
4 it were a homicide still?

5 A Well, the normal procedure would be to treat it  
6 as if it was, yes, a homicide or a murder because you can't  
7 go back and change your assumptions later. In rare  
8 occasions, I guess you would have a suicide that was  
9 clearly a suicide. We just had someone kill himself in  
10 the Lincoln Memorial on videotape and that is very unusual,  
11 you don't get that very often.

12 Q But the Foster case wasn't one of those cases?

13 A Right, it wasn't one of those cases so you work  
14 under the assumption of worst scenario that it was a murder  
15 and then evaluate the evidence and then on that basis  
16 decide whether you feel it was a murder or suicide.

17 Q You mentioned that you discussed with them what  
18 needs to be done in the case that morning, could you tell  
19 me what you all discussed and what you thought needed to be  
20 done?

21 A At that point we weren't quite sure when the  
22 autopsy was going to be and at some point after they went

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1 home that morning, and I don't even recall exactly what  
2 time they left that day, we knew the autopsy had to be  
3 done. We wanted to locate -- we felt -- I believe we knew  
4 it was a Park Service employee that made the call so we  
5 wanted to try and get out and interview him eventually.

6 The Captain and Detective Markland were going to  
7 go over to the White House to talk to his boss and  
8 co-workers so basically it was decided that the Captain and  
9 Detective Markland were going to go over to the White  
10 House, handle that part of the investigation; Morrisette  
11 and I would go and do the autopsy scene with the ID techs  
12 and recover any evidence or whatever else was to be gotten  
13 that morning and that was pretty much the run of it that I  
14 can recall.

15 Q Did anybody discuss following up with the family  
16 or business associates or friends?

17 A Yeah, there was going to be follow-up and that  
18 Braun and Rolla were going to submit the reports and I  
19 don't know if at that point we had made a decision on  
20 whether they would do the follow-up with the family or  
21 Detective Markland and Captain Hume. Again, it was wasn't  
22 too clear what the scope of the interviews and the

1 investigation at the White House would be, whether they  
2 would have time to do the interviews with the family,  
3 whether somebody else was going to have to do that or not.

4 Q Were these conversations about what was to be  
5 done, who was involved in these conversations deciding what  
6 was going to be done?

7 A Myself, Captain Hume, for part of the  
8 conversations Abt and -- Investigators Abt, Rolla and Braun  
9 may have been a party to them at some point and Detective  
10 Markland probably had some.

11 Q Do you ever discuss what needed to be done in the  
12 case before Captain Hume got involved?

13 A I think pretty much the first part of my morning  
14 was talking to them and finding out they had found the  
15 night previous; the crime scene, what the body seemed to  
16 indicate, the processing that had been done by the ID  
17 technician Pete Simonello, the notification they had been  
18 made. I was pretty much getting brought up to speed at  
19 that time and I think the Captain came in, he was briefed  
20 and then we sat down for a few minutes.

21 Q Did Braun or Rolla specifically tell you that  
22 they thought certain things needed to be done?

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1 A I think they said that they needed to go back and  
2 to talk to the family some more, that they didn't get a  
3 chance to really do an in-depth interview with Mrs. Foster  
4 because of the events, and that's not uncommon in a  
5 situation like this where you have family and all that  
6 coming and it is hard for a person who has lost their  
7 husband to put everything aside and say, okay, I am yours  
8 for the next several hours. The only thing I can recall as  
9 far as the -- that they felt that needed to be done was to  
10 have more conversations with Mrs. Foster.

11 Q Did you actually assign them to do that at that  
12 point or did that come later?

13 A No, I didn't at that point. At that point I  
14 think we were -- we found out that the autopsy was going to  
15 be that day and we started setting that up and it didn't  
16 feel like it was an immediate urgency, going back over  
17 there to interview her immediately, it was just that it  
18 needed to be done.

19 MR. DARMER: Can we go off the record for a  
20 second.

21 (Recess.)

22 (The reporter read the record as requested.)



1 BY MR. DARMER:

2 Q When you say "needed to be done," what kind of  
3 time frame would you expect it would be done?

4 A I would say within the next two days at least  
5 that you would want to go back and talk. There is a lot of  
6 things the autopsy will tell you, number one, but again, it  
7 is not always -- you are going to have more questions that  
8 may be brought up by an autopsy, you know, what they find  
9 there, in looking at the gun there may be more questions so  
10 you can go talk to the family immediately, that's fine, but  
11 more questions may arise and you are going to have to go  
12 back and talk to them again anyway.

13 Q In your experience do you often have to have  
14 follow-up interviews with the family?

15 A Sure.

16 Q Might that happen if you had spoken at the  
17 notification, would you then possibly speak to them again  
18 after the autopsy?

19 A Yes.

20 Q Do you know when Lisa Foster was spoken to in  
21 this case?

22 A I really don't, I don't know. I know -- other

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1 than that night I don't know the dates that she was or  
2 anything subsequent to that.

3 Q Were you making the assignments or was Captain  
4 Hume making the assignments in this case?

5 A The initial assignments, Captain Hume was making  
6 the assignments. Again, I had been in there all of one  
7 week in that capacity and -- as a criminal investigation  
8 sergeant and you know, he said it would be a matter best  
9 handled by a detective and he was right.

10 Q Did you participate in conversations with Captain  
11 Hume where it was decided what detective would be assigned?

12 A No, he just felt that Detective Markland who had  
13 just finished up a homicide case was coming up and he  
14 says -- you know, I think Pete Markland also worked at the  
15 White House, he was a uniform division officer before he  
16 was a park policeman so I think he knew the White House  
17 probably more than some people. So I don't know if that  
18 had any bearing on his decision but when he said Pete  
19 Markland, I say, yeah, that's probably a good decision.

20 Q Was there any discussion of the relative  
21 experience levels of the officers?

22 A Yes, I mean Jim Morrisette, who I was initially

1 going to assign it to, is only an investigator and we try  
2 and keep the more serious cases assigned to detectives. It  
3 is not always possible because just the sheer volume of  
4 cases we get but whenever possible; rape, homicide, in this  
5 case suicide we would try and assign to a detective and  
6 because Investigator Morrisette was working that morning  
7 was basically why I was assigning to him and it was in his  
8 district but he is not a detective.

9 Q Is he more senior than Rolla and Braun?

10 A As far as being an investigator, I don't know if  
11 he was in there longer than Braun or not. I think Braun  
12 was probably senior to him.

13 Q You mentioned a minute ago that sometimes there  
14 might be follow-up interviews with family if further  
15 information is required, in your experience is the return  
16 of the personal effects of the deceased often an  
17 opportunity to have further conversations with the family?

18 A Yes.

19 Q How does that work?

20 A Well, it depends. Generally you will go to them,  
21 it depends what the item is. Sometimes it is a car and you  
22 meet them at an impound lot but in this case, you know, you

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1 could drop them by the house or something like that or if  
2 they worked close to you either they will drop by to you or  
3 something like that, there is really no set rules on it.  
4 If you have any questions it is a good time to ask any  
5 follow-up.

6 Q Do you know when the personal effects were  
7 returned in this case?

8 A No, I don't.

9 Q Did anyone mention to you on the morning of the  
10 21st whether any evidence had been released the night  
11 before?

12 A I don't recall that there was any evidence  
13 released.

14 Q Did you ever hear about a pager that Mr. Foster  
15 had on him at the time he was found?

16 A No.

17 Q Did you ever hear that that pager was turned over  
18 to the Secret Service the night of his death?

19 A No. I think he had a tag, a White House ID tag,  
20 I think that was turned over. I don't know if it was that  
21 night or not but I believe that was turned over to the  
22 Secret Service but I don't know what happened with the

1 pager.

2 Q If he had a pager and it was turned over on the  
3 night of his death would you be surprised?

4 A Might be an unusual request. I might take a  
5 second look at why they would want a pager. A pager  
6 obviously -- and depending what kind of pager it is, if it  
7 is just a numeric pager that is going to indicate numbers  
8 then I don't know that that is significant to national  
9 security and I might take a second look at that but, again,  
10 the detective on the scene would have to evaluate what he  
11 thought was going on and if they had a good reason for  
12 wanting the pager but beyond that I wouldn't understand why  
13 they would need that right away.

14 Q What kind of evidentiary value might a pager be  
15 in your investigation?

16 A I mean obviously it has got some evidentiary  
17 value, it is going to tell you who the person was being  
18 paged by, the phone numbers of that person.

19 Q If the personal effects had been returned to  
20 Mrs. Foster shortly after the death in this case would you  
21 have expected that to be a good time to discuss issues with  
22 her?

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1 A Again, I don't -- depending on what was happening  
2 I would think it would be, yeah, I would try if I had more  
3 questions of her and I was returning the personal effects,  
4 sure, I would sit down and talk to her.

5 Q In you experience do you generally when you have  
6 interviewed family and friends in death cases what kind  
7 of -- who are the people who are generally present at those  
8 interviews?

9 A Well, it varies. I have had it where it is just  
10 the spouse of the person, I have had it where it was the  
11 friend of the person.

12 Q In general do you prefer to interview people  
13 one-on-one?

14 A Yes.

15 Q Why do you prefer to interview people one-on-one?

16 A Well, I mean, just general investigative  
17 principles, you don't want to color somebody's reaction to  
18 something by having somebody else. If you are going to  
19 interview A, B and C and they are all sitting together, A  
20 is going to color B's interpretation and C so you want to,  
21 obviously, separate them and do it that way whenever  
22 possible. If somebody is, you know, you may want to have a

1 priest, minister, rabbi with them but ideally you try and  
2 talk to people confidentially and by themselves whenever  
3 possible.

4 Q How often have you spoken with family members or  
5 friends in death cases where they have had an attorney  
6 present?

7 A Never. But, again, I don't -- I am not going to  
8 tell you I have a wealth of investigative -- I have been a  
9 policeman, I was an uniformed policeman for 15 years so I  
10 was on the scene of many deaths and suicides and all that  
11 but as an investigator at that point I had very limited  
12 experience so I hadn't done much of anything at that point  
13 as far as investigative work.

14 Q When you say "at that point" what are you talking  
15 about as talking --

16 A At the time of this incident.

17 Q What kind of training had you had at that point?

18 A At that point really as far as investigative?

19 Q Yes.

20 A Very little, I had been to some investigator  
21 courses prior to that mostly dealing with narcotics  
22 investigation.

1 Q Were those provided by the Park Police or by  
2 other agencies?

3 A DEA.

4 Q You mentioned earlier that you expected that a  
5 fairly wide group of people would be interviewed -- would  
6 need to be interviewed in this case, what did you mean by  
7 that?

8 A Well, somebody highly-placed in the White House  
9 is going to have a lot of associates, it is not like a guy  
10 that runs the Mom and Pop store who would have maybe a  
11 smaller circle of friends and I tell you in any death  
12 investigation there is a number of people that need to be  
13 talked to but, again, it depends on where your  
14 investigation goes.

15 I have seen investigations that, you know, you  
16 talk to the person's psychiatrist and they say, yeah, he  
17 has been hospitalized, he has problems. In the cases where  
18 you don't have any indication that there was any past  
19 psychological problems or that the person was under a great  
20 deal of stress then you need to talk to more and more  
21 people to find out what was going on, why a person would  
22 commit suicide who had no problems.

1 Q You mentioned that it was obvious there had to be  
2 an autopsy in this case, why was it obvious?

3 A Death investigation, unattended death there is  
4 going to be an autopsy.

5 Q How are autopsies normally scheduled in your  
6 office?

7 A Well, we don't control them generally, the  
8 medical examiner will get to it as soon as he can. We deal  
9 in Maryland so we go to Baltimore quite frequently and D.C.  
10 and also in Virginia, so we deal with all three areas and  
11 they are all slightly different. Generally speaking it is  
12 as soon as possible.

13 Q Who set up the autopsy in the first instance in  
14 this case?

15 A I don't know that there ever was one set up, we  
16 anticipated that it probably wouldn't be until Thursday --

17 Q Thursday meaning how many days after the death?

18 A It was Tuesday night that the suicide occurred  
19 and so Thursday, so it would be at least a day lapse but  
20 there wasn't, it was going to be Wednesday.

21 Q When did you discover that it was going to be  
22 Wednesday?

1 A I don't know if Captain Hume said that he had  
2 called Dr. Byers and Dr. Byers said that he could get to it  
3 today. I think it was something to that effect that he had  
4 said that he called over and talked to Dr. Byers and  
5 Dr. Byers said, you know, that's fine he could do it today.

6 Q Do you know if anyone told Captain Hume to call  
7 Dr. Byers?

8 A Again, I think there was a request for the  
9 chief's office to move things along, try do them as fast as  
10 you can. I don't think that there was any undue pressure  
11 but there was, let's move on with this, the person is  
12 important, you know, let's move it as quickly as we can.

13 Q Did you ever talk about it with Captain Hume, the  
14 scheduling of the autopsy?

15 A No.

16 Q Did you ever talk about it with anyone?

17 A The scheduling of the autopsy?

18 Q Yes.

19 A No.

20 Q Did you think it was unusual that it was moved up  
21 by a day?

22 A I chalked it off that he was highly-placed in the

1 White House, he was an important person and they wanted,  
2 for whatever reason, to get it done.

3 Q When you say "they" who do you mean?

4 A The White House.

5 Q Does the fact that the deceased was associated  
6 with the White House mean that an investigation should be  
7 handled more quickly?

8 A Again, the only -- "more quickly," when you  
9 say -- in other words an autopsy may go a weekend. In  
10 other words, an autopsy in Baltimore, if somebody is  
11 murdered in Baltimore on Saturday night they may not get an  
12 autopsy until Monday morning, whether it should happen or  
13 not, I don't know. The thing that is significant to me is  
14 whether it is done properly or not and I didn't see  
15 anything that was improper by having it done that morning.

16 You know, it was at that point I didn't know if  
17 somebody had pulled strings or whatever but it was going to  
18 be that morning and to me it wasn't significant. The fact  
19 is that it was just going to be done and I had to get, you  
20 know, down there for the autopsy and make sure that we had  
21 the personnel and the ID techs to go down and do it.

22 Q As well as a result of the autopsy being moved up

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1 people who were at the death scene weren't able to attend  
2 the autopsy; right?

3 A That's correct.

4 Q So that did change the course of the  
5 investigation somewhat?

6 A Yes, it did alter it but I didn't feel it was  
7 significant and in a lot of large police departments the  
8 detectives don't even go to the autopsy. In the  
9 Metropolitan Police the detectives doesn't even go, the  
10 only person that goes is the ID technician to recover the  
11 evidence.

12 Q Who were the ID technicians in this case at the  
13 scene?

14 A At the scene?

15 Q Yes.

16 A ID tech Simonello.

17 Q Do you know if anyone contacted him about going  
18 to the autopsy?

19 A No.

20 Q You mentioned that someone might have pulled  
21 strings to get the autopsy moved up, do you suspect that  
22 someone pulled strings?

1 A Well, it seemed -- I don't know. But it didn't  
2 seem impossible that somebody would call up, somebody from  
3 the White House would call the chief and say, look, this  
4 person is a good friend of the President's, can we move  
5 this thing along. And I didn't feel that there was  
6 anything improper or anything like that but these things  
7 happen, this is Washington, D.C.

8 Q You mentioned that in other jurisdictions  
9 sometimes the personnel at the scene don't attend the  
10 autopsy but what about in terms of the Park Police, do you  
11 have any general orders or procedures about who should  
12 attend the autopsy?

13 A Well, a detective, we try to have a detective  
14 attend an autopsy in any death scene. More important  
15 really than the detective is that there be an ID technician  
16 there to take custody of it but we try and have somebody  
17 there, either a detective or an ID technician. It is good  
18 to have a detective there because he can speak about the  
19 crime scene and all that. I felt that we knew enough about  
20 the crime scene in reading the reports and in talking to  
21 these investigators that we could answer the questions that  
22 the medical examiner would have.

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1 Q Did you talk about that with anyone, about  
2 whether you had enough information to attend the autopsy?

3 A Yeah, I talked with John Rolla, the investigator  
4 and I said John, if you want to come in, that's fine, you  
5 can but, again, the man had been up over 24 hours and I  
6 didn't feel it was necessary, absolutely necessary that he  
7 be the one that go to this autopsy.

8 Q What about Investigator Braun or Investigator  
9 Abt, did anyone ask them --

10 A No, I didn't ask them.

11 Q Why not?

12 A They were in the same situation, they had been up  
13 all night.

14 Q Did you ask them?

15 A No.

16 Q You mentioned you felt that you had all the  
17 information you needed to attend the autopsy, what do you  
18 expect the police personnel in an autopsy is supposed to  
19 do, what's the role of having -- why have a detective, why  
20 do you prefer to have a detective, what do they do there?

21 A The detective, depending on the death scene, can  
22 give the medical examiner any unusual information, is there

1 anything unusual about this case, is there a suspect in the  
2 case. In other words, if you had a suspect that you  
3 believed was left-handed in a stabbing if you gave a  
4 medical examiner, you know, something of that information  
5 it may aid his investigation.

6 Again, you don't want it to color it but the man  
7 is a professional and if you are saying we are looking at  
8 this, could this have happened, could it have been this way  
9 it is something for him to look at. In other words, he  
10 might not see things or he might not be looking for  
11 something if it wasn't brought to his attention. A medical  
12 examiner's autopsy is very thorough and they are going to  
13 document whatever they find but it is certainly, you know,  
14 an additional thing to have a detective or somebody there  
15 who is somewhat familiar with it.

16 Again, Metropolitan Police don't send a  
17 detective, I don't know if it is because of work load or if  
18 it is because they just can't do it but the only person  
19 that goes is an ID technician in homicide cases.

20 Q How many autopsies have you attended in your  
21 career?

22 A I think five.

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1 Q Do you have any kind of forensic training or  
2 pathologic training?

3 A No, I have been to homicide investigator classes  
4 and all that but, again, this is all after Vince Foster.

5 Q You mentioned that a detective will often try to  
6 tell the medical examiner if they noticed anything unusual  
7 about the death scene, did you tell Dr. Byers there was  
8 anything unusual about this particular death scene?

9 A No, because there wasn't anything unusual about  
10 the death scene. There was -- you could see what appeared  
11 to be powder residue on his hand, I did observe that.

12 Q How did you observe that?

13 A I saw it with my eyes. And again --

14 Q You are talking about at the autopsy?

15 A At the autopsy, that's correct.

16 Q You looked at photographs of the death scene  
17 before you went to the autopsy?

18 A Yes, I looked at some Polaroids.

19 Q Did you look at the diagram of the death scene  
20 before you went to the autopsy?

21 A Yes, I believe I did.

22 Q Do you remember who would have done that?



1 A I don't recall if it was the ID tech, that's  
2 generally who does it. A detective will usually do some  
3 kind of rough diagram for himself but a more detailed one  
4 is often done by the ID technician.

5 Q What's important about a diagram, why is that  
6 helpful?

7 A It is going to give you the layout of the body,  
8 the direction that it is pointing in, it will also indicate  
9 where the gun is, any other items of evidence.

10 Q What did you take with you to the autopsy?

11 A I didn't take anything except myself. Detective  
12 Morrisette or Investigator Morrisette took -- I think he  
13 took -- no, I guess he didn't take a camera because there  
14 was two ID technicians, they took a camera, I think he just  
15 came by himself.

16 Q Did anyone bring the pictures of the death scene?

17 A I don't know if Investigator Morrisette brought  
18 them with him or not. To be honest with you I don't  
19 recall.

20 Q Would you ordinarily expect that those pictures  
21 would be taken with you?

22 A No, that is not -- it is not necessary that they

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1 be there. I mean if he has any questions about it, you  
2 know, you could show them to clarify it but usually any  
3 questions he has you could answer just by, you know --

4 Q Had the ID techs who attended the autopsy read  
5 Officer Simonello's report before they went to the autopsy?

6 A I don't know.

7 Q Had you read the report filed by Officer  
8 Simonello?

9 A I don't think I read anything -- any reports  
10 written by Simonello at that point.

11 Q Did you meet with Dr. Byers before the autopsy?

12 A No.

13 Q Do you remember any kind of conversations that  
14 you had during the autopsy?

15 A One. I asked just the name of his assistant and  
16 Dr. Byers is kind of an older guy and very experienced and  
17 he put me in my place very quickly, he says you are dealing  
18 with me here, you don't need his name. So we kind of knew  
19 where he was -- Dr. Byers is very nice guy but he is all  
20 business.

21 Q Do you recall whether the assistant was actually  
22 participating in the autopsy?

1 A Well, there is an assistant in every autopsy that  
2 assists the medical examiner. There is usually somebody  
3 there who is going to make some of the cuts, will assist  
4 them in removing body parts and drawing urine and blood and  
5 all that, that's what this gentleman's responsibility was.

6 Q Did you discuss any of the protocols for the  
7 autopsy before it began?

8 A No.

9 Q Did you arrive before it began?

10 A Yes, the actual examination, I believe. The body  
11 was laid out, there was no clothing on it so he had done  
12 preliminaries but that's, again, that's nothing unusual.

13 Q You say "preliminaries," what does that mean?

14 A The body is -- the clothes are removed,  
15 photographs are taken, it was washed down, so those things  
16 had already been done.

17 Q Who takes photographs of the clothing?

18 A The medical examiner will take initial  
19 photographs.

20 Q What happens to the clothing then?

21 A Once the clothing is taken off, it is put aside  
22 and it is usually turned over to the investigators, okay.

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1 If it is not needed by the investigators then it is either  
2 discarded or given to the family. Lot of times it is just  
3 cut off and they are rags at that point.

4 Q Well, in a death investigation --

5 A In a death investigation they are going to be  
6 given to the investigators or the ID techs.

7 Q Do you recall getting the clothing in this case?

8 A No, I don't recall them actually being handed  
9 over but I know they were bagged by the ID techs and taken  
10 away from there.

11 Q How were they stored?

12 A I will be honest with you I don't even remember  
13 where they were stored.

14 Q Would you be concerned about how they were stored  
15 as an evidentiary matter?

16 A Yes, obviously they have to be stored properly.

17 Q But you didn't deal with the clothing at all?

18 A I didn't deal with the clothing, the ID techs  
19 took the clothing.

20 Q I'm sorry, can you tell me again who they were?

21 A Shelly Hill and Wayne Johnson.

22 Q Do you know if the medical examiner looks at the

1 clothing at all in the course of removing it?

2 A Yes, he does.

3 Q Does he make any notations concerning what he  
4 might discover on the clothing?

5 A Generally, yes. If, you know, there is gunshots  
6 or debris, blood, stuff like that would be indicated.

7 Q Where is that indicated?

8 A He has a report, it is usually indicated on that  
9 if there is anything unusual. Again, it is not always done  
10 because if there is nothing unusual then he is not going to  
11 list it.

12 Q Well, does he list it only if it is unusual or  
13 does he list -- I mean, for example is blood unusual, what  
14 if there is blood on a piece of clothing?

15 A I guess if it was inconsistent with the wound --  
16 again, you are asking me to speculate on what a medical  
17 examiner does and --

18 Q I don't want you to speculate, I want to ask --  
19 want you to tell me what you know happened in this case and  
20 the autopsy that you attended.

21 A Okay.

22 Q If you don't know then say so.

---

1 A I interpreted it as you were asking me what a  
2 medical examiner does, not what was done in this case in  
3 this latter question.

4 Q You said -- I am trying to understand your answer  
5 in which you said the medical examiner removes the clothing  
6 and packs it away, you said he might make notations about  
7 something on the clothing if it was -- and I am trying to  
8 understand why in this case would doctor -- where would he  
9 make any notations about the clothing first of all?

10 A Okay, they have sheets that show the body, then  
11 there is -- that indicates clothing condition, bullet  
12 holes, anything that is going to be germane to the  
13 investigation.

14 Q What other kind of things do you understand would  
15 be germane to an investigation?

16 A What other kind of things --

17 Q Would the medical examiner note as germane?

18 MR. IVEY: In this case or?

19 MR. DARMER: In this case.

20 BY MR. DARMER:

21 Q Do you know if Dr. Byers indicated anything or  
22 noted anything about the clothing?

1 A I don't know. In this case specifically about  
2 the clothing, I don't know.

3 Q You also mentioned that -- you said something  
4 about the clothing being stored properly, what do you mean  
5 by storing the clothing properly?

6 A You would want to obviously not mix them up with  
7 other clothing, you are going to have to have some kind of  
8 chain of custody of these thing; who took the clothing off,  
9 were they removed there, did they come in from the  
10 ambulance personnel separately, were they on the person,  
11 that type of thing.

12 Q Where would that chain of custody sheet reside?

13 A That would be Officer Johnson, Wayne Johnson and  
14 Shelly Hill would take the clothing from him and they would  
15 list it on their custody where they got it from. Now as  
16 far as the medical examiner, he should indicate what  
17 clothing was on the person, if anything came in separately,  
18 generally there is nothing that comes in separately it is  
19 what is on the person. By the time it gets from the  
20 ambulance personnel to the hospital, you know, it is only  
21 what is on the body.

22 Q Are there any procedures that you are aware of to

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1 ensure the clothing is not contaminated in between the  
2 removal in the medical examiner's office to the time it is  
3 brought back to the Park Police?

4 A Okay, from the time that we -- in other words,  
5 where we take it from the medical examiner and we take it  
6 back to our office, the time in between there?

7 Q No, are there any procedures to ensure that there  
8 is no contamination of the evidence during at that time?

9 A Okay, but what I want to clarify is the time that  
10 you are talking about, the time from when it is taken --

11 Q Off the body in the autopsy to the time it is  
12 listed as evidence in an evidence locker with the Park  
13 Police.

14 A So you are asking me --

15 Q What do you do within the chain of custody to  
16 ensure that the evidence, the clothing is not contaminated  
17 as evidence?

18 A From the -- I am sorry but I am not quite sure I  
19 understand --

20 MR. IVEY: He asked you if it is from the time it  
21 is taken from the body to the time it is taken to the  
22 station and you said no; then you said, I thought, from

1 time it was taken from the body to the time it is taken to  
2 the station, so I think that's the source of the  
3 confusion.

4 BY MR. DARMER:

5 Q Maybe you should -- I am trying to understand  
6 what happens to the clothes, okay, after it is taken off  
7 the body.

8 A By the medical examiner?

9 Q By the medical examiner and handed over to the  
10 police, did you say that the medical examiner turns the  
11 clothing over to the ID techs?

12 A That's correct.

13 Q What do the ID techs do to ensure that there is  
14 no contamination of the clothing?

15 A Oh, okay, I am sorry, it has been a long day.  
16 They put them in paper bags.

17 Q What are the specific procedures?

18 A They will be taken and put in bags, the chain of  
19 custody evidence form will be filled out by them listing  
20 what is in the bag, who they got it from and then it will  
21 be taken back to the identification branch and has to be  
22 dried out if it is bloodstained or wet and then once it is

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1 dried out it is sealed back up in the bags and --

2 Q Are there specific guidelines or rules about how  
3 the clothing is stored or bagged?

4 A Well, it has to be stored in a bag, I mean it has  
5 to be maintained and intact.

6 Q Are there specific rules or procedures as to how  
7 it is dried when it gets back to the police station?

8 A Well, it has got to be air dried. Again, we  
9 don't have a specific drying room to dry that stuff so what  
10 we do is there is a section at the back of the  
11 identification branch and that's usually used to dry the  
12 clothes.

13 Q How is that -- how is that section -- strike  
14 that.

15 Are there procedures to ensure that while the  
16 clothing is in that area they are not contaminated?

17 A Well, the IB Section is a closed section of the  
18 Criminal Investigations Branch, the only person that can  
19 get in there is someone who is buzzed in so the  
20 identifications officers control that. So, in other words,  
21 nobody gets in there unless they are buzzed in.

22 Q Is there any other evidence in there?

1 A I mean, there could be, yeah. I mean, there is  
2 evidence lockers on the other side of the room but, you  
3 know, I mean an ID tech if he is doing his job right is not  
4 going to be mixing two cases at once if he has more than  
5 one case then he would have to --

6 Q But what if there are two cases involving clothes  
7 that need to be dried out, would they both be in that room?

8 A No.

9 Q Where would they be?

10 A Again, it is a problem we don't have a drying  
11 room and we have brought that up, it is just right now  
12 there is no money to expand and provide us with a drying  
13 room so to be honest with you I don't know what the ID  
14 tech -- he would have to find some other area and, again, I  
15 couldn't speak for what he would do.

16 Q Do you know how physically the clothes are dried  
17 in the drying area?

18 A I believe there is paper, it is like a brown wrap  
19 paper laid out and the clothing is just laid out on that to  
20 dry.

21 Q What's underneath the brown paper?

22 A The floor.

1 Q Is there a possibility that the clothing could be  
2 contaminated because it is on the floor?

3 A Well, I mean it is -- I don't believe more than  
4 any other surface. The brown paper that it is laid on is  
5 going to be the buffer between that and the floor. In  
6 other words, if you laid it on a table or something like  
7 that you would have to have some surface that it would  
8 reside on.

9 Q Are people walking in and out of that room?

10 A The only people that would have cause to go in  
11 there would be the ID techs.

12 Q You said you don't recall any x-rays being taken  
13 at the autopsy?

14 A I don't recall any, no.

15 Q Did you ever read Officer Morrisette's report in  
16 this case?

17 A Yes, I believe I did.

18 Q Do you know whether he indicated in that report  
19 whether any x-rays were taken?

20 A I don't recall if he did.

21 Q Do you know if you were listed as attending the  
22 autopsy on the autopsy report?

1 A By?

2 Q Dr. Byers.

3 A By Dr. Byers, I don't know.

4 Q Would you be surprised if you weren't listed as  
5 attending the autopsy?

6 A I was there, I should have been listed, yeah.

7 Q Do you know of any reason why you wouldn't be  
8 listed?

9 A No.

10 Q Was there any time when you were outside of the  
11 autopsy suite during the time that the autopsy was being  
12 taken?

13 A No.

14 Q So x-rays couldn't have been taken while you were  
15 out of the room for some reason?

16 A Could have been taken before I got there, I don't  
17 know.

18 Q I thought you said that the autopsy hadn't begun  
19 when you arrived.

20 A Well, I mean -- the body arrived at his thing  
21 before I was there so what he did with it before I was  
22 there I have no idea.

1 Q Did you talk to him about that?

2 A No.

3 Q Do you think it would be important for the police  
4 to know what had been done to the body before you arrived?

5 A Well, generally you are going to get his report  
6 and he is going to tell you when you arrive what he has  
7 done before. I don't recall him saying anything about an  
8 x-ray being taken.

9 Q But you don't know?

10 A I don't know.

11 Q Do you know if he took any pictures before you  
12 arrived?

13 A I don't know if he took pictures. I remember him  
14 taking quite a number of pictures during the autopsy while  
15 we were there but I don't specifically recall him saying  
16 that he had taken any before but it is a possibility that  
17 he did.

18 Q Do you remember how long the autopsy took?

19 A 45 minutes, an hour, in that area, I think.

20 Q How does that compare to other autopsies you have  
21 attended?

22 A That's consistent with the amount of time spent.

1 Q You mentioned that you coordinated or were  
2 involved with the search for the bullet at Fort Marcy Park,  
3 are there any guidelines or protocols for doing this kind  
4 of search?

5 A You try and do a grid search or something that  
6 you can just be sure that you are covering all the ground  
7 but, again, what we saw was an area that, as I indicated  
8 earlier, was an open area and we felt that beyond that the  
9 chance of us recovering this round with the personnel that  
10 we had available beyond that area just wouldn't be possible  
11 so we began a systematic search working our way out from  
12 those cannons just a matter of if something was hit, dig it  
13 up, just kept the lines and kept moving out.

14 Then, as we cleared that open area it was, you  
15 know, the only thing we did beyond that was look at the  
16 tree -- along the tree lines to see if there was any  
17 bullets that had imbedded or impacted the trees and not  
18 finding any we called it a day for that.

19 Q How was the death scene marked when you arrived  
20 at the park?

21 A The following day?

22 Q Whenever you arrived to do the search for the

1 bullet.

2 A On Thursday, at that point it was open to the  
3 public, I mean it wasn't -- Thursday, it wasn't closed off  
4 anymore.

5 Q Was there any indications of the death scene?

6 A Yeah, there was still blood there.

7 Q Anything else?

8 A I think there was some crime scene tape that was  
9 laying off to the side that hadn't been taken, completely  
10 removed but it wasn't up and securing the area.

11 Q Did you do any kind of digging beneath the area  
12 where the body had been located?

13 A No, I didn't.

14 Q Did you think about doing that?

15 A No.

16 Q What's the depth to which your metal detectors  
17 register?

18 A I really don't know what the depth that they set  
19 it at that day to be honest with you, the ID techs were the  
20 ones running the metal detectors. When they would hit on  
21 something then we would assist them if they needed  
22 assistance in trying to dig it up.



Q Every time they hit on something did you dig it up in every instance?

A Yeah.

Q What happened to all the things that were dug up?

A They were just discarded in the area that we hadn't searched in yet. It was anything from bottle caps to little things that were -- tops to cans and all kinds -- anything that was metal, obviously, it is going to pick up so all kinds of debris.

Q By the way, do you know if Dr. Byers found any bullet fragments or metal fragments in the course of the autopsy?

A I don't believe he did.

Q Would an x-ray have shown that he had?

A An x-ray should have, yes, should have shown metal fragments.

Q Were there many people on Fort Marcy Park while you were there doing the search?

A No.

Q Non-police personnel?

A No.

Q Did see anyone?

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A No.

Q Did anyone ask anyone or talk to anyone about the events of July 20th?

A Okay --

Q I'm sorry, did you say there was no one --

A No, there wasn't anyone.

Q Okay. You mentioned that you ended up talking to the Park Police person who had made the initial call?

A Yes, the Park Service.

Q The Park Service?

A The maintenance man.

Q The maintenance man at Turkey Run?

A Yes.

Q And you mentioned he was maybe a little uncomfortable about coming forward because he had been --

A Yeah, he was -- I think he was not in the place he was supposed to be.

Q Did you say he was with friend?

A Yes, he was with a co-worker.

Q Was there any attempt to follow-up with the co-worker?

A We had -- no, we pretty much got everything that

1 we needed from him as far as we were satisfied what he was  
2 telling us was legitimate, it jibed with what he was -- the  
3 phone call to the communications branch indicated and he  
4 didn't really have anything to add to it.

5 Q Well, he didn't remember anything more about the  
6 van?

7 A He didn't really add anything significant to what  
8 we already knew.

9 Q Did you think that maybe his friend might have  
10 had a better recollection of the person in the van or the  
11 markings on the van?

12 A We asked him that and I forget, I will be honest  
13 with you, what he said about his friend but his friend -- I  
14 have the impression that his friend wasn't in a position to  
15 see what he saw or was further away from this guy with the  
16 van and that he was basically the person that had the  
17 contact with this guy, not his co-worker.

18 Q Did you write a report about this?

19 A No, I didn't, Investigator Morrisette was  
20 reporting it.

21 Q Did you discuss all of this with Captain Hume?

22 A I don't know if I had a discussion with him or we

---

1 just submitted the reports to be honest with you. I don't  
2 think he was there on Thursday, I may have briefed him the  
3 following day but it was just I believe he got a copy of  
4 all reports that were developing in the investigation, him  
5 and Detective Markland.

6 Q You mentioned that at some point, I forget the  
7 day, you received a request from Captain Hume to have the  
8 gun processed?

9 A Yes, that would have been Friday.

10 Q Did the Captain tell you why he wanted the gun  
11 processed immediately?

12 A No, he just he said that Pete Simonello is going  
13 to be on leave and we want to get this moving. Again, I  
14 didn't know if there had been a request from the White  
15 House or the F.B.I. or anybody at this point that this  
16 investigation should be a priority investigation and, you  
17 know, be moved along.

18 Q But you thought that this investigation was  
19 probably a priority investigation?

20 A Yes.

21 Q You mentioned the F.B.I., did you have any  
22 contact with anyone from the F.B.I.?

1 A I did not.

2 Q Was there anything unusual about Captain Hume's  
3 request?

4 A I didn't think so, no. Just, obviously, they  
5 wanted the investigation to move along, they didn't want --  
6 I mean, like I said, in any police department there is a  
7 work load that is fairly staggering at times for the  
8 personnel that you have and sometimes things do sit a day  
9 or two and, you know, he wanted this done now.

10 Q How long was ID technician Simonello going to be  
11 away or off?

12 A I think it was four days, five days, something  
13 like that. He was going on leave and he had a sign-off --  
14 his regular sign-off days, two sign-off days that we get  
15 plus some leave so I think it was four days, five days. So  
16 they said rather than wait for him to get back and there is  
17 no reason another ID tech couldn't process it.

18 Q Were you aware of what ID technician Simonello  
19 had done with the gun before he left?

20 A I knew that he had recovered the gun and taken  
21 the photographs at the scene, but I didn't think it had  
22 been processed at that point.

---

1 Q Do you know if he wrapped the gun or stored it in  
2 a particular fashion?

3 A I think he had covered the barrel, you know, to  
4 recover any kind of fragments, tissue, blow-back residue,  
5 stuff like that.

6 Q Why would he have covered it?

7 A Just to maintain its evidentiary value, if it is  
8 not covered it could be handled by somebody else or picked  
9 up and destroyed. If it is covered it is less likely to be  
10 destroyed.

11 Q How do you do the kind of test that you are  
12 describing to find out if there is any blow-back or  
13 fragments or debris?

14 A I will be honest with you I am not an ID  
15 technician, it is not really my area of expertise. I know  
16 that it is done and it will tell you what is on the gun  
17 barrel but, again, it is not my area expertise, it is for  
18 the ID technicians.

19 Q Do you know if you have to handle the barrel of  
20 the gun to do a fingerprint test?

21 A Not for fingerprint test, no.

22 Q So do you know whether in the course of Officer

1 Smith testing the gun for prints he had to take the paper  
2 off the barrel?

3 A Yeah, I mean, if he was going to process it for  
4 prints I would imagine he had to unless he was specifically  
5 instructed not to take that off and process the area  
6 outside that which I don't have any indication that he  
7 was. If he was processing the gun for prints he would have  
8 taken it off and processed it.

9 Q Do you know what method he used?

10 A No, I don't. I don't know if he used Super Glue  
11 or print powder or what, I don't know.

12 Q Do you know whether the test, the fingerprint  
13 test might have had a negative impact on later tests for  
14 debris or blow-back or tissue?

15 A Well, there was some speculation that it  
16 shouldn't have been done at that time, that it probably  
17 should have been delayed. Sergeant Lawson, who was in  
18 charge of the ID unit, I had a conversation with him later  
19 and he said probably that it was not -- it should have been  
20 delayed, they should have run the other tests on the barrel  
21 first, it would have been the preferable method to do it.

22 Q Did he say why?

1 A Because when it is processed for fingerprints you  
2 can lose some of that.

3 Q Why is knowing what's on the barrel important for  
4 the investigation?

5 A Well, I mean depending what's on the barrel, I  
6 mean, if there is no blow-back on the barrel, there is no  
7 blow-back powder, there is no skin residue or something like  
8 that it could lead you to believe that the gun was fired at  
9 a distance indicating a murder or something like that.

10 MR. DARMER: Can we go off the record for a  
11 minute.

12 (Recess.)

13 BY MR. DARMER:

14 Q Did Officer Smith or ID technician Smith ever say  
15 anything to you about the request for him to process the  
16 gun?

17 A I don't recall. He may have said well, Pete  
18 started that, do you want him to finish it and I think told  
19 him hey, he is going to be on leave -- I don't know, I am  
20 not sure if he did or if he just said okay, I'll get on it.

21 Q Do you know if he talked to Captain Hume about  
22 it?

1 A Smith?

2 Q Yes.

3 A I don't know.

4 Q Did you ever talk to ID technician Simonello  
5 about that?

5 A No.

7 Q Do you know if he objected to the immediate  
8 processing of the gun?

9 A I think he did. I think from Sergeant Lawson,  
0 his supervisor voiced his concerns that Simonello didn't  
1 want it done until the other had been done, the blow-back.

2 Q Do you know if -- did you know if ID technician  
3 Smith objected to the test, to doing the test in that  
4 timetable?

5 A I don't recall that he had any objection on the  
6 basis of that, no.

7 Q Did you ever deal with anybody or hear of any  
8 involvement with the Department of Justice in this case?

9 A No.

10 Q You mentioned something about a need for greater  
11 coordination by the public information officer in this  
12 case, what did you mean by that?

---

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1 A Major Hines I think maybe didn't have as close a  
2 contact with the investigators that were actually  
3 investigating the case as he may have needed to have  
4 because of the media attention and the volume of questions  
5 and things being asked of him.

6 Q What kind of contact would you have expected him  
7 to have?

8 A Well, personally I think, and I guess everybody  
9 has to have a public information officer, but why not let  
0 the investigators answer the questions. Most police  
1 departments don't do that, they have somebody else but who  
2 knows more about the investigation than the investigators  
3 themselves.

4 Q You mean in terms of answering questions --

5 A Answering questions, right.

6 Q Do you know if Major Hines was in contact with  
7 the investigators at all?

8 A Yeah, he was. I mean, he was in contact with  
9 them but there was a lot of questions being asked of all  
0 kinds. I had reporters calling me, you couldn't even use  
1 the phones in the office from the reporters calling.

22 Q But you never talked to any of the reporters?

1 A I just referred them out to you can talk to Major  
2 Hines, he is the PIO.

3 Q Did you ever think that Major Hines didn't  
4 accurately reflect the status of the investigation?

5 A I don't know, I don't think he was abreast as  
6 much as possibly he could have been. Maybe I think he  
7 should have at times said I don't know, ask the  
8 investigators rather than give an answer.

9 Q Did you ever hear of Detective Markland or  
10 Captain Hume mention dissatisfaction with Major Hines?

11 A I don't recall Detective Markland and I don't  
12 recall anything specific that Captain Hume said about Major  
13 Hines but I just remember it was kind of a feeling that,  
14 you know, maybe we should have closer contact with him.  
15 And, again, like I said, maybe the investigators are the  
16 ones that are in the best position but most police  
17 departments don't have investigators answering questions,  
18 there is somebody else.

19 Q Did you have any contacts with Chief Langston in  
20 this case?

21 A No.

22 Q Are you familiar with some of the criticisms of

1 the Park Police's investigation in this case?

2 A Absolutely.

3 Q And do you think they are fair?

4 A No, I don't. I think a lot of them are just, you  
5 know, politically motivated by whomever and motivated  
6 simply by somebody's agenda. I mean, I have heard  
7 Mr. Ruddy from the Washington Post on a talk show and he  
8 said -- he was asked -- callers called and asked him if the  
9 chief of the Park Police was a Clinton appointee and  
10 Mr. Ruddy rather than saying "no" or "I don't know" gave a  
11 "no comment" as leading the person to believe that our  
12 chief is an appointee of the President and he is not, he  
13 was there before President Clinton.

14 So a lot of people, I think, are getting a lot of  
15 mileage out of this whether they be in the media or  
16 whatever and they have an axe to grind. So I think there  
17 was a lot of unfair things leveled at us but that's the  
18 business and, you know, the real world.

19 Q When you say "agenda" or "axe to grind," who  
20 would have an agenda or axe to grind?

21 A Somebody who is going to get talk show ratings,  
22 G. Gordon Liddy, Rush Limbaugh, any number of people who

1 have gone on the air with their absolute theories of this  
2 investigation and they know what happened. They watched  
3 "Murder, She Wrote" and they have seen all this and they  
4 know what happened and yet they have never bothered, to my  
5 knowledge, a lot of these to ever contact the Park Police,  
6 yet they are somehow granted an inside track and expertise  
7 on how the investigation was done and what should have --  
8 you know, what should have been found.

9 Another example was on a suicide scene the gun is  
10 often 30 feet away from the victim. I have been a  
11 policeman 16 years and I have never seen the gun either not  
12 in his hand or right beside him but yet somebody -- they  
13 found a homicide investigator in the City of New York to  
14 tell them that, yes, often times it is 30 feet away in a  
15 suicide. Maybe in New York suicide people throw their gun  
16 30 feet, in the 16 years that I have been a policeman I  
17 have never seen it. So there was a lot of things that were  
18 just outlandish.

19 Q Do you have any other specific thoughts?

20 A No.

21 MR. DARMER: Before I finish with you I would  
22 like to show you a couple things. You want to mark that,

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1 please.

2 (Rule Exhibit 2 identified.)

3 BY MR. DARMER:

4 Q Have you seen that document before?

5 (Witness reviewed the document.)

6 A Yes.

7 Q What is it?

8 A This is a memorandum to the Major Crimes members  
9 of the Criminal Investigation Branch, the subject is Death  
10 Investigations Guidelines Manual.

11 Q Are you a member of the group that the memo is  
12 addressed to?

13 A Yes.

14 Q Can you just describe what the substance of the  
15 memorandum is?

16 A Well, memorandum or the actual guidelines?

17 Q The body of the attachment.

18 A This is a guideline manual put together by one of  
19 the senior detectives, David Rayfield, highlighting -- and  
20 it is largely a manual that is designed to give new  
21 investigators something to go on as far as death  
22 investigations. You will be obviously sent to classes,

1 every detective or investigator is sent to training on how  
2 to handle it but this treats it as a departmental thing.  
3 It gives beyond what you would get in a regular homicide  
4 class or death investigation class, it gives you the  
5 department's specifics, something that may be germane only  
6 to the Park Police.

7 Q Do you know who put it together?

8 A Detective Rayfield.

9 Q Do you know where the materials -- are the  
10 materials from other documents of the Park Police, are they  
11 newly created?

12 A I don't know what sources Detective Rayfield used  
13 to be honest with you, I didn't really have a hand in his  
14 compiling of this.

15 Q You have read that before though?

16 A I have read parts of it, I will be honest with  
17 you, I haven't had time to sit down and read it cover to  
18 cover.

19 Q Do you know if the substantive report behind the  
20 cover memo deals with suicide in particular, is there a  
21 section on suicide investigations?

22 A I will be honest with you I really don't know,

---

1 there should be. If there isn't it is not much of a death  
2 investigation manual if there isn't.

3 Q Was there any kind of death investigation manual  
4 like this last year?

5 A No.

6 Q Is it your understanding that this manual is  
7 intended to simply reduce to writing your operating  
8 procedures for death investigations?

9 A Yes. What we are looking at right now is on the  
10 Park Police we are going to have a number of investigators  
11 retire within the next couple of years, they are eligible  
12 for retirement now and if they choose to retire en masse we  
13 are going to be left with a very junior investigative staff  
14 and I know the Captain and other people, the Major, have  
15 expressed concern of this and I think they want to get down  
16 something in writing so I think it -- you will be seeing  
17 something like this for other crimes too, robbery, stuff  
18 like that, we are going to try to tap the investigators  
19 before they leave.

20 Q Is there anything in the document that you know  
21 of that is intended to change the way you have always  
22 investigated death in the Park Police?



1       A    No, I mean there are certain standard things that  
2 are done in police departments but then every investigator  
3 is slightly different. It is just like every lawyer,  
4 doctor does things slightly different. There is general  
5 guidelines that you try to follow but everybody had a  
6 slightly different way of taking things.

7       Q    So is it fair to say that this report is really a  
8 written distillation of the basic guidelines for death  
9 investigations that the Park Police applies --

10      A    Again, I haven't read it cover to cover but  
11 that's my interpretation.

12           MR. DARMER: Thank you, no further questions.

13           MR. IVEY: I don't have any questions in addition  
14 to those questions.

15           MR. DARMER: Thank you very much.

16           (Whereupon, at 6:15 p.m., the deposition was  
17 concluded.)

18  
19  
20  
21  
22

CERTIFICATE OF NOTARY PUBLIC & REPORTER

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I, LISA N. BENCHEFF, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn; that the testimony of said witness was taken in shorthand and thereafter reduced to typewriting by me or under my direction; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and, further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

Lisa N. Benchoff  
Notary Public in and for the  
District of Columbia

My Commission Expires      FEBRUARY 28, 1997



REPLY REFER TO:

## United States Department of the Interior

NATIONAL PARK SERVICE  
Headquarters, United States Park Police  
1100 Ohio Drive, S. W.  
Washington, D. C. 20242

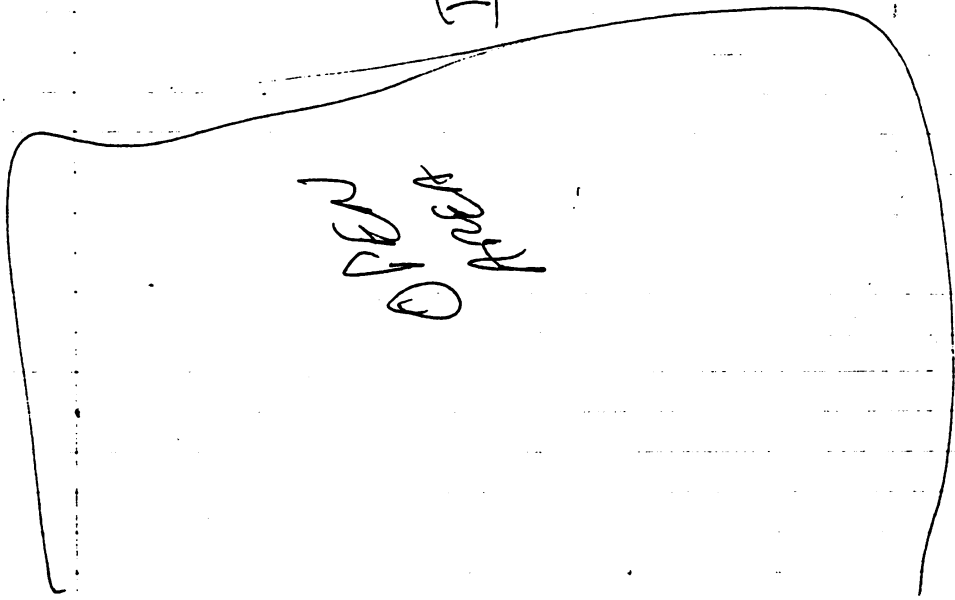
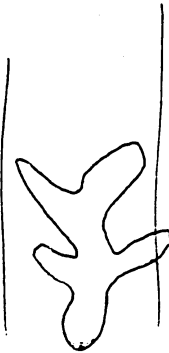


Donald W. Riegler  
Chairman/Committee on Banking,  
Housing And Urban Affairs  
Washington, D.C. 20510-6075

Dear Chairman Riegler:

This letter acts as notification to you that I have reviewed the copy of the transcript of my deposition given on July 26, 1994. I have found no substantive errors in this transcript and believe that it accurately reflects my answers to questions posed to me on this date.

Sergeant Robert A. Rule  
U.S. Park Police  
1100 Ohio Drive, S.W.  
Washington, D.C. 20242



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IN REPLY REFER TO.

## United States Department of the Interior

NATIONAL PARK SERVICE  
HEADQUARTERS, UNITED STATES PARK POLICE  
1100 Ohio Drive, S.W.  
Washington, D.C. 20242

JUL 20 1994

### Memorandum

To: All Major Crimes Members, Criminal Investigations Branch  
From: *WJK* Assistant Commander, Criminal Investigations Branch  
Subject: Death Investigations Guidelines Manual

A Death Investigations Manual has been published by the Criminal Investigations Branch and disseminated to all Major Crimes Members. All members shall become familiar with the Guidelines Manual. This manual contains the policies and procedures that shall be adhered to in all death investigations. These policies have been formulated based on sound investigatory principles.

Any suggestions that will enhance the policies of the manual are welcome.

**U.S. Park Police**  
**Criminal Investigations Branch**

**DEATH INVESTIGATIONS**

**GUIDELINES**

**PURPOSE**

All deaths shall be considered homicides until the facts prove otherwise. These guidelines are provided as a source of practical procedures to be followed when being notified of a death, and are not all inclusive. Since each death will have unique characteristics, the sequence of these procedures may vary. These guidelines shall be adhered to in all death investigations conducted by the Criminal Investigations Branch, United States Park Police.

**CONSISTENCY IN REPORTING**

Careful and thorough reporting is essential in the documentation of incidents investigated by Force personnel. The information contained in the reports shall be sequential and include facts that legitimately describe the incident and follow-up investigation. All events that occur during the investigation shall be thoroughly documented. Notes shall be preserved and made part of the investigative case jacket when the case is put to file.

To achieve the goal of consistent reporting, the following format shall be used.



(5820)

NATIONAL PAIN SERVICE

## SUPPLEMENTAL CRIMINAL INCIDENT RECORD

JUVENILE CASE ☐

|                    |                                |     |     |     |        |                      |
|--------------------|--------------------------------|-----|-----|-----|--------|----------------------|
| SYSTEM AREA        | 3 WHEN<br>(DO IT<br>OCCUR?)    | MO. | DAY | YR. | 4 YEAR | CASE/INCIDENT NUMBER |
| NATURE OF INCIDENT | 5 RECLASSIFICATION OF INCIDENT |     |     |     |        |                      |

## 7 RESULTS OF INVESTIGATION

ITEM

INITIAL NOTIFICATION

This section should indicate how, when, and by whom you were notified of the incident.

ARRIVAL

This section should tell what time you arrived at the scene/destination, who was there, and what tasks they were performing.

CONDITIONS

This section should describe weather, visibility, ground conditions, and any other significant information.

PRELIMINARY INVESTIGATION

This section should describe what you learned when you arrived.

SCENE

Describe the area so that others reading the report can visualize the surroundings.

BODY

Fix the position of the body. Describe body to include race, sex, age, height, weight, and other identifying information. Include all clothing and its condition. Document observable injuries by size, type, and location. Establish identity if known. Tell when and who removed the body, where it was taken, and who pronounced the death.

NOTIFICATIONS

This section should include Medical Examiner information and other notifications. (Next of kin should be addressed in another section.)

HOSPITAL

If response to a hospital is part of the investigation, mention what occurred there and who was involved.

NEXT OF KIN

Tell who you notified, when, and the relationship to the victim. Include addresses and telephone numbers. Mention any significant occurrences during the notification. Document any property release.

|                                                                             |                                                                          |                                                                                                                  |                          |                     |
|-----------------------------------------------------------------------------|--------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|--------------------------|---------------------|
| ARRANT(S)<br><input type="checkbox"/> YES<br><input type="checkbox"/> NO    | 9<br><input type="checkbox"/> LATENTS<br><input type="checkbox"/> PHOTOS | 10 10 TECH NOTIFIED (CONTINUED)                                                                                  | 11 INVESTIGATOR NOTIFIED | 12<br>PAGE OF PAGES |
| 13 STATUS: <input type="checkbox"/> OPEN <input type="checkbox"/> SUSPENDED |                                                                          | CLOSED BY: <input type="checkbox"/> ARREST <input type="checkbox"/> EXCEPTION <input type="checkbox"/> UNFOUNDED |                          |                     |
| 14 REPORTING OFFICER                                                        | BADGE/NO                                                                 | DATE                                                                                                             | 15 INVESTIGATOR          | BADGE/NO            |
|                                                                             |                                                                          |                                                                                                                  | DATE                     | 16 SUPERVISOR       |
|                                                                             |                                                                          |                                                                                                                  |                          | BADGE/NO            |
|                                                                             |                                                                          |                                                                                                                  |                          | DATE                |

3 • U.S. GPO 1992-0-625-524/119

| NATIONAL PARK SERVICE                                                                                                                                                                                                                                                                                                                                |  |  |  |  |  |  |  |  |  | JUVENILE CASE                    |  |  |  |  |  |  |  |  |  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|--|--|--|--|--|--|----------------------------------|--|--|--|--|--|--|--|--|--|
| SUPPLEMENTAL CRIMINAL INCIDENT RECORD                                                                                                                                                                                                                                                                                                                |  |  |  |  |  |  |  |  |  |                                  |  |  |  |  |  |  |  |  |  |
| SYSTEM AREA                                                                                                                                                                                                                                                                                                                                          |  |  |  |  |  |  |  |  |  | CASE/INCIDENT NUMBER             |  |  |  |  |  |  |  |  |  |
| NAME OF INCIDENT                                                                                                                                                                                                                                                                                                                                     |  |  |  |  |  |  |  |  |  | RECLASSIFICATION OF INCIDENT     |  |  |  |  |  |  |  |  |  |
| 7 RESULTS OF INVESTIGATION                                                                                                                                                                                                                                                                                                                           |  |  |  |  |  |  |  |  |  |                                  |  |  |  |  |  |  |  |  |  |
| <p><u>INVOLVED PERSONS</u></p> <p>This section should identify: victim(s), witnesses, injured, deceased, and arrested individuals. If a vehicle is involved, list passenger information and where each person was seated.</p> <p><u>INVESTIGATION</u></p> <p>This section should describe your investigation based on the facts. Avoid theories.</p> |  |  |  |  |  |  |  |  |  |                                  |  |  |  |  |  |  |  |  |  |
| 14 REPORTING OFFICER<br>BADGE/NO DATE                                                                                                                                                                                                                                                                                                                |  |  |  |  |  |  |  |  |  | 15 INVESTIGATOR<br>BADGE/NO DATE |  |  |  |  |  |  |  |  |  |
| 16 SUPERVISOR<br>BADGE/NO DATE                                                                                                                                                                                                                                                                                                                       |  |  |  |  |  |  |  |  |  | 17 SUPERVISOR<br>BADGE/NO DATE   |  |  |  |  |  |  |  |  |  |

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**ALL DEATH INVESTIGATIONS****RECORD NOTIFICATION INFORMATION**

Document how, when, and by whom you were told of the incident and what you were told.

**RESPOND TO THE SCENE**

Upon arriving at the scene, ensure that the scene is protected. Note exact time of arrival, and list conditions such as weather, temperature, visibility, ground conditions, and other significant information.

**PERSONNEL STAFFING**

In some major or unusual cases it may be determined that there are insufficient personnel to adequately perform the tasks necessary. If this occurs, the Lead Investigator, through the chain of command, shall request that other Branch members be called in to assist.

**NOTIFICATION TO THE MEDICAL EXAMINER**

Through the Communications Section, notify the local Medical Examiner for the jurisdiction (County) in which the body is located. He/she may or may not respond to the scene. In many cases, they will request that the body be transported to a hospital for examination at a more convenient time. Each jurisdiction varies on removal services; therefore, the local Medical Examiner shall be asked by whom he/she wishes the body transported and to what destination.

**LIST PERSONS AT SCENE**

List officers, ambulance personnel, family members, witnesses, and others at the scene and what tasks they are performing. (Keep witnesses separated.) Talk with officers to determine what has happened prior to your arrival. This may be the appropriate time to assign officers/investigators to canvass and/or record tag numbers of vehicles in the area.

**DESCRIBE THE SCENE**

Document the surroundings so that others reading the reports will be able to visualize the area. Indicate directions and the position of the body and any evidence present. Be alert to secondary crime scenes.

**CRIME SCENE SEARCH**

Confer with the Identification Section personnel to coordinate the most suitable approach to the scene and the collection of evidence.

**Photographs**

Polaroid photographs shall be taken. These will be of great assistance until other photographs are developed. Numerous 35mm photographs shall be taken from all angles and distances. In all deaths, video taping shall be performed.

**Drawing**

Ensure that a crime scene sketch is completed.

**Other**

Evaluate the need for special equipment such as metal detecting equipment.

\*If the scene was examined at night, revisit for a daylight search. At this time, consider aerial photographs.

**EXAMINING THE BODY**

\*Do not disturb the body until photographs are taken and videotaping is completed. Do not move the body if the Medical Examiner is responding.

Document the description, race, sex, age, height, weight, and other identifying information. Note livor mortis, rigor mortis, and any blood/body fluid location. List observable wounds and/or injuries by size, type, and location. Document the presence of any weapon(s) and/or contraband. This may be the appropriate time to place a body/evidence tag on the body. If trace evidence is suspected on the hands, they shall be bagged with paper bags. When describing the body, do not guess; if you don't know what something is, use terms like "appears to be." If the body is identified, document how it was done (e.g., photo ID, friend, relative).

**HOSPITAL**

In some cases, the body will have been transported to a hospital. It is imperative that someone be assigned to respond to the hospital as soon as possible. If the body has been pronounced dead, each person who had contact with the deceased shall be interviewed to determine if anything was said before death. Obtain the name of the attending physician and who pronounced death and at what time. Once the body is in a suitable location, it shall be examined thoroughly and all the findings shall be documented (see "Examining the Body" section). List any property or evidence

recovered and from where, what time, and its condition. If a body/evidence tag has not been placed on the body, do it at this time (see "Body/Evidence Tag" section).

#### **BODY EVIDENCE TAG**

In each death case, a tag shall be placed on the body. The tag shall be placed in an obvious location so that it can be easily seen. It shall contain, at least, the name and date of birth of the deceased (if known), the date, time and location of death, the probable cause of death, the name and phone number of the Investigator, and the case incident number.

**NOTIFICATION TO THE PROSECUTOR**

Once jurisdiction has been determined, the proper prosecutors office shall be notified in a timely manner. In unusual or significant incidents, the prosecutor may wish to respond to the scene. Evaluate the incident to determine if immediate notification shall be made.

**AUTOPSY ATTENDANCE**

A member of CIB/ID shall be present during the post mortem examination of every homicide, suspicious death, suicide, and most accidents. The member of CIB/ID can furnish the pathologist with a complete description of the death scene, along with available photographs. At this time the member of CIB/ID can indicate those materials that he/she believes are essential to the investigation. During the autopsy, the member can have direct transfer of all evidence material. The member, during the autopsy, shall take photographs that may enhance solvability and support prosecution. In some cases, the Medical Examiner may determine that it is not necessary for a member to be present. This shall be evaluated on a case-by-case basis by a supervisor in the Criminal Investigations Branch. Items collected (including clothing) shall be properly marked, packaged, and delivered to the Identification Section for evaluation. A complete set of fingerprints shall be obtained from all homicide and suicide victims. In other death cases, when identification may be an issue, a complete set of fingerprints shall also be obtained. This shall be performed so as to not disturb trace evidence. \*If warranted, obtain blood and hair samples.

## BODY/EVIDENCE TAG

Sample

|                                                                     |                     |                        |
|---------------------------------------------------------------------|---------------------|------------------------|
| United States Park Police<br>(202) 690-5050                         |                     | Date <u>6-3-94</u>     |
| Decedents Name <u>JOHN DOE</u>                                      |                     |                        |
| Date of Birth <u>5-16-56</u>                                        | Race/Sex <u>B/M</u> |                        |
| Address <u>1201 OAK ST, LAUREL, MD.</u>                             |                     |                        |
| Observations <u>HEAD TRAUMA</u>                                     |                     |                        |
| Location <u>BALTO/WASH PKWY. @ RIVERDALE RD</u><br><u>P.G.C MD.</u> |                     |                        |
| Investigator(s) <u>JONE/SMITH</u>                                   |                     | CASE # <u>12105-94</u> |



United States Park Police  
Inwitness Questionnaire

Case Number \_\_\_\_\_

Name \_\_\_\_\_ Date of Birth \_\_\_\_\_

Address \_\_\_\_\_

Home Phone \_\_\_\_\_ Work Phone \_\_\_\_\_

What knowledge do you have about this crime? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Do you know the victim? ☐ Yes ☐ No

If yes, explain relationship.) \_\_\_\_\_

\_\_\_\_\_

Do you know who committed this offense? ☐ Yes ☐ No

If yes, explain.) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Has signed statement obtained from this witness? ☐ Yes ☐ No

If witness has any information about the crime, he/she should be asked to furnish written/taped/recorded statement.)

Reporting Officer \_\_\_\_\_

Date \_\_\_\_\_ Time \_\_\_\_\_

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### HOMICIDE INVESTIGATIONS

In addition to the procedures in the "All Death Investigations" section, the following are additional guidelines for Homicide Investigations.

#### **AREA CANVASS**

In most cases, it is appropriate to canvass the area to identify any witnesses to the incident. Generally there are sufficient personnel at the scene of a major incident that assignments to canvass can be made at that time. Investigative personnel shall be the first choice for this assignment. Officers with competent interviewing skills may also be used. A canvass questionnaire may be of benefit to document this task. If possible, the canvass shall be performed before the crime scene is released in the event that information is provided that will direct the crime scene searchers in a certain direction. A revisit to the area shall occur in the event that people who have information are not at home during the initial canvass.

#### **NOTIFICATION TO LOCAL LAW ENFORCEMENT AUTHORITIES**

In all homicide cases, the local law enforcement authorities for the jurisdiction shall be notified. This is not only a matter of courtesy, but the agency may lend assistance with pertinent information and leads. This process shall by no means cause the case to become a joint investigation. On the primary jurisdiction of the Force, (except Washington, DC), the incident shall be the sole responsibility of the United States Park Police.

#### **VEHICLES INVOLVED**

If it is determined that a vehicle is involved in a homicide incident, either the victim's or the perpetrator's, it shall be considered crucial for evidentiary reasons and shall be processed in accordance with policies of the Identification Section.

#### **WHEN AT RESIDENCE**

When making notification to the next of kin, the member shall ask the survivor if they may examine personal effects of the deceased for any possible clues that may assist in the investigation. The examination shall include, but not be limited to, personal phone books, notes, photographs, letters, and contraband. Question the survivor about the last time the decedent was seen, the decedant's habits, friends, enemies, and any reason there might be a motive for the death. Determine if the decedent lived or frequented another location. Visit that location.

#### **FUNERAL**

A detail shall be assigned to monitor the wake and funeral of homicide victims. This will enable investigators to identify friends, associates, and possibly suspects.

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**SUICIDE INVESTIGATIONS**

In addition to the procedures in the "All Death Investigations" section, the following are additional guidelines for the investigation of a Suicide.

**CLASSIFICATION OF INCIDENT**

The classification of suicide is the responsibility of the Medical Examiner. He/she shall be furnished with all information of the investigation that suggests suicidal intent.

**AREA CANVASS**

In most cases, it is appropriate to canvass the area to locate any witnesses who may have seen or heard something related to the incident. Generally, there are sufficient personnel at the scene of a major incident that assignments to canvass can be made at that time. Investigative personnel shall be the first choice for this assignment. Officers with competent interviewing skills may also be used. A canvass questionnaire may be of benefit to document this task. If possible, the canvass shall be performed before the crime scene is released in the event that information is provided that will direct crime scene searchers in a certain direction. A revisit to the area shall occur in the event that people who have information are not at home during the initial canvass.

**SUICIDE NOTE**

If a note is located, it is to be collected so as to preserve any latent fingerprints. A known sample of the handwriting of the victim shall be obtained for comparison purposes. The original note shall be copied and preserved, the copy then becomes the working copy.

**Note Comparables**

Often a direct note is not located during an investigation in a suicide. Certain items are sometimes equivalent to a note, such as a Bible, Rosary, flag, drawing, or other tangible item. These items shall be considered evidentiary.

**VEHICLES INVOLVED**

If it is determined that a vehicle is involved in a suicide incident, it shall be considered crucial for evidentiary reasons and shall be processed by the Identification Section.

**INTERVIEWS (Looking for Clues)****Residence**

During the notification to the next of kin, ask the family members about any changes in mood, personal problems, medical conditions, previous suicide attempts, and other pertinent information. Ascertain if the victim was being treated by a physician and record the physician's name for a later interview. Ask the family if you may examine the personal effects of the victim for any clues that may corroborate suicidal intent. Do not overlook areas such as trash cans. If a weapon was used, ask the family about its existence. At this time, obtain a copy of the victim's handwriting.

**Place of Employment**

For a complete and comprehensive investigation, an investigator shall visit the place of employment of the deceased. It may be necessary to interview friends and co-workers to determine unusual behavior or mood changes of the victim. When conducting interviews at the place of employment, the investigator shall organize the on-site activities with a supervisor at that location. While talking with the supervisor, a request shall be made to examine the victim's work area. This should be done in a dignified and unobtrusive manner.

**VEHICULAR SUICIDE**

Be alert that some motor vehicle accidents are used to disguise the intentional taking of one's own life. In cases where this is a possibility, a thorough background investigation of the victim shall be completed.

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**MOTOR VEHICLE FATALITIES**

In addition to the procedures in the "All Death Investigations" section, the following are additional guidelines for the investigation of Motor Vehicle Fatalities.

**DESCRIBE THE ROADWAY**

Record the number of lanes and in which direction they proceed. List the speed limit and the design of the roadway. Document any roadway lines and any curvatures, or slopes. Note the volume of traffic.

**EXAMINING THE VEHICLE(S)**

Document the make, color, tag number, V.I.N. number, and style of each vehicle. Check for and note all damage, new or old. Describe the direction that each vehicle has come to rest and its direction of travel prior to the accident. Look for current State inspection stickers and/or any invoices of recent repairs. List and collect any alcohol or drugs in or around each vehicle. Check for seat belt use. Note lights and light switches, gear position, and the condition of the tires. Look at the speedometer and note mileage and anything unusual.

**IMPOUNDING THE VEHICLE(S)**

Each vehicle involved in a motor vehicle fatality shall be impounded at the USPP Headquarters Impound Lot. The vehicles should not be released if (1) there is a need for a formal inspection, (2) additional photographs are needed, (3) the prosecutor wishes them held for trial purposes, (4) forensic tests need to be conducted, or (5) a search of the vehicle is indicated or there is any other logical reason to hold said vehicles.

**INVOLVED PERSONS**

Document the seating position of each individual in each vehicle. Identify any witnesses and record their tag number. Question witnesses about the accident. It may be necessary to encapsulate their observations and obtain a formal statement at a later time. List any and all injuries to everyone involved.

**NOTIFICATION (N.T.S.B.)**

The National Transportation Safety Board shall be notified for (1) any school bus fatality, (2) any motor coach fatality, or (3) any bridge collapse.



**ETHICAL SUICIDE**

be alert to the fact that some motor vehicle accidents are used to disguise the intentional taking of one's own life. In cases where this is a possibility, a thorough background investigation of the victim shall be completed.

**ACCIDENT RECONSTRUCTION**

to lessen the burden to the motoring public, the use of accident reconstruction personnel should be cautiously evaluated. Accident reconstruction, however, will be of benefit if (1) there is a possibility of a tort claim against the United States Government, (2) there is likely to be a criminal prosecution, or (3) if there is an unexplainable or unusual accident.

**EVIDENCE COLLECTION**

In alcohol or drug-related motor vehicle fatalities, it shall be the responsibility of the patrol officer handling the accident to obtain blood samples from appropriate parties in accordance with force policy. Evidence discovered that needs forensic processing shall be recovered by CIB/ID personnel.

**CRIMINAL OR TRAFFIC CHARGES**

No charges of any kind shall be placed in motor vehicle fatality cases until the incident has been discussed with the prosecutors office and he/she authorizes charges.

**MOTOR VEHICLE FATALITIES IN THE DISTRICT OF COLUMBIA**

If a motor vehicle fatality occurs in the District of Columbia, a copy of all reports shall be faxed or delivered to the Hit and Run Section of the Metropolitan Police Department. In addition, a copy of all reports shall be faxed or delivered to the Office of the Medical Examiner for the District of Columbia. The Medical Examiner's morgue wagon shall be notified for body removal services.

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**ACCIDENTAL/INDUSTRIAL DEATHS**

In addition to the procedures in the "All Death Investigations" section, the following are additional guidelines for Accidental or Industrial Deaths.

**NOTIFICATION TO O.S.H.A**

The criteria for notifying the Occupational Safety and Health Administration is (1) any work-related fatality or (2) any work-related accident that hospitalizes 3 or more persons.

**CAUSATIVE FACTOR**

The equipment or item causing the death shall be thoroughly examined and photographed. Under certain conditions, the item(s) responsible for the death shall be seized or impounded for additional testing. The seizure or impound shall be coordinated with OSHA personnel. Others who have used the item/equipment shall be interviewed about previous equipment failure.